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ABSTRACT

This manual is designed to provide jailers, deputy jailers, matrons, assistant matrons, and other employees in the office of the jailer with a comprehensive reference to all constitutional, statutory, and regulatory standards about their duties and responsibilities. General and specific information on the legal basis for the management and operation of Kentucky jails, facts concerning policies and procedures, and information sources for the Kentucky jailer are given. The manual is divided into five sections: Section A discusses a series of jail related management and operations matters. Section B is a collection of Kentucky Revised Statutes arranged in numerical sequence. All are related to the jail and the functions, liabilities, and responsibilities of the jailer and his staff. Section C is divided into four subdivisions concerned with constitutional provisions, legal precedents, legal opinions, and the procedures of law on which the jailer must base management and operations decisions. Section D, consisting of seven subdivisions, describes resources available to the jailer for information, assistance, and guidance. Two of these sections describe training programs and procedures for enrollment. Section E gives standards of jail construction and renovation, health services, environmental factors, and standards for participation in the Deputy Jailers Subsidy Program. Section F contains a listing of cities grouped within the legal classification of each. (LAS)

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KENTUCKY JAILERS

MANAGEMENT
AND
OPERATIONS

MANUAL

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TABLE OF CONTENTS

FOREWORD		i
INTRODUCTION		ii
INFORMATION ON USE OF THIS MANUAL		iii
REVISION RECORD		viii
INDEX	White Pages	I-1
SECTION A	Yellow Pages	A-1
SECTION B	Pink Pages	B-1
SECTION C	Blue Pages	C-1
SECTION D	Green Pages	D-1
SECTION E	Gold Pages	E-1
SECTION F	White Pages	F-1

FOREWORD

This Manual provides Jailers, Deputy Jailers, Matrons, Assistant Matrons, and other employees in the Office of the Jailer with a comprehensive and convenient reference to all constitutional, statutory, and regulatory standards about their duties and responsibilities. Members of the judiciary, the legislative, and the administrative branches of the Commonwealth government will find it of value in assessing the role of the Jailer and his staff in the criminal justice system. Likewise, the news media and the citizenry at large will find this volume a source of much information which heretofore has never been presented collectively.

All pertinent statutes, citations of case law, opinions of the Attorney General, sections of the Kentucky Constitution, and regulations of the Bureau of Corrections, Department of Justice, and of the Department For Human Resources are included herein. Additionally, there are discussions on many operational, management, and professional topics. Services available to the Jailer from several public and private organizations are also enumerated.

The staff of the Bureau of Training devoted many hours to the preparation of this Manual and deserves our sincere thanks for this effort in behalf of all of us in the Kentucky Criminal Justice System.

John L. Smith

John L. Smith
Secretary
Kentucky Department of Justice

INTRODUCTION

As with other volumes already prepared by the Bureau of Training, the intent of this Manual is to provide guides to achieving and maintaining the best services possible to the Commonwealth.

The content of this Manual presents both general and specific information on the legal basis for the management and operation of Kentucky jails, and facts concerning policies and procedures mandated by law and sound practice, as well as details about the kinds and extent of services on which the Kentucky Jailer may rely for information and assistance.

This Manual was prepared in the Division of Corrections Training. The staff of the Kentucky Legal Information Service furnished copies of statutes, and texts of Attorney General opinions.

Robert Clark Stone

Robert Clark Stone
Commissioner
Bureau of Training
Department of Justice

INFORMATION
ON USE OF THIS MANUAL

GENERAL

The user of this Manual should examine it thoroughly to become familiar with the construction and content, as well as the features designed to expedite the locating of information.

Since it is planned to keep the content current with changes affecting Jail Management and Operations brought about by legislation, court decisions, and policy and procedural changes made by other agencies of the Commonwealth, it was thought best to depart from the conventional in the structure of this Manual. For that reason the pages are not numbered sequentially throughout. The Manual is divided into sections and the pages are numbered within each Section. Additionally, this arrangement allows for a minimum of restructuring when the addition, deletion, or replacement of material content is required. All changes will be supplied through the Bureau of Corrections.

As an additional aid to the user in locating information, each Section is printed on a different page color.

CONTENTS

Index: The Index is placed at the front of the Manual for ease in using it. It is an expanded index which provides in concise form basic data on management and operations topics, as well as indicating those sections containing more fully developed information or discussions, and those which present the texts of constitutional, statutory, and regulatory references. A topic may be listed under a number of headings in the Index, so that the likelihood of locating it is increased. For instance, there may be a need to know about the admission of military prisoners to the jail. A listing can be found indexed under both Military Prisoners, and Admission of Prisoners. At the end of a listing, a reference is made to those Sections containing the supporting statutes or further information. In this example the reference is to Section B and to two statutes. The reference is stated as: (Sec B KRS 35.055; KRS 35.285).

Color code is white.

Section A-Discussions: Section A presents discussions which provide further information or points of view on the indexed topics.

All discussions are based on the latest information available and, in some instances, include models for guidance.

Numbered subdivisions identify the general field of interest in which discussions have been grouped. Currently, Section A has only one subdivision, a series of jail related management and operations matters, designated as SecAl. For example, SecAl.1 refers to a discussion on Hearing Before a Magistrate.

Color Code is Yellow.

Section B-Kentucky Revised Statutes: Section B is a collection of Kentucky Revised Statutes arranged in numerical sequence. All are related to the jail and the functions, liabilities, and responsibilities of the Jailer and his staff. In the Index a reference to a statute is given as: (SecB: followed by the number of the statute).

Color Code is Pink.

Section C-References: The four subdivisions in this Section are concerned with the constitutional provisions, the legal precedents, the legal opinions, and the procedures of law on which the Jailer must base his decisions in the management and operations of the jail.

The subdivisions and the numerical designation of each are:

1. Kentucky Constitution
2. Citations of Case Law
3. Opinions of the Attorney General
4. Rules of Criminal Procedure

A referral to Section 100 of the Kentucky Constitution is given as: (SecCl:100.)

Citations of Case Law are followed by a reference to the Section of this Manual in which they are mentioned.

An opinion of the Attorney General (OAG), made in 1966 and numbered 455, is given as: (SecC3:66-455.)

Reference to rule number 3.02 of the Rules of Criminal Procedure (RCr) is given as: (SecC4:3.02.)

Color Code is Blue.

Section D-Resources: Many resources are available to the Jailer from which he may receive information, assistance, and guidance in all phases of management and operations. Five of the seven subdivisions within this Section describe an organization or agency and the kinds of professional and technical assistance services it can provide. The remaining two subdivisions are descriptions of training programs and the procedures for enrollment.

The numerical reference, and the name of each subdivision with its abbreviation as may be used in this Manual, are as follows:

D1.	Kentucky Legal Information Service	(KLIS)
D2.	Kentucky Jailers Association	(KJA)
D3.	National Sheriffs' Association	(NSA)
D4.	Jail Operations Training Course	
D5.	Jail Management Training Course	
D6.	Jail Consultant Service	(JCS)
D7.	Bureau of Training	(BOT)

A reference to the Kentucky Legal Information Service is given as (SecD1.) The same holds true for the others with the only variance being in the number following SecD, except for subdivisions 5 and 6. In each instance of referring to the Operations and Jail Management Training Courses, the entire name has been used.

Color Code is Green.

Section E-Standards: Standards of jail construction and renovation, health services, and environmental factors as set by agencies of the Commonwealth under authority of the Kentucky Confinement Facilities Health Act of 1974, and the standards for participation in the Deputy Jailers Subsidy Program are set forth in the five subdivisions of this section.

The numerical reference to each activity or program for which standards have been set and the name of the responsible agency, along with its abbreviation for purposes of this Manual, are as follows:

1.	Jail Construction and Renovation, Jail Consultant Service, Division of Community Services, Bureau of Corrections	(JCS) (BOC)
*2.	Standards for Dental Services Bureau For Health Services Department For Human Resources	(BHS) (DHR)

*3. Standards for Health Care in Kentucky Confinement Facilities, Department For Human Resources.

*4. Environmental Standards in Kentucky Confinement Facilities, Bureau For Health Services.

5. Deputy Jailers Subsidy Program, Jail Consultant Service, Division of Community Services, Bureau of Corrections

Color Code is Gold.

Section F-General Information: This Section is a collection of varied kinds of data to which the Jailer and his staff may need ready access. Currently, Section F has only one subdivision, a listing of cities grouped within the legal classification of each.

1. Classification of Cities

Color Code is White.

SOURCES

Sources used were many and varied. The major ones were:

U.S. Bureau of Prisons publications:
The Jail: Its Operation and Management
Jail Operations: A Training Course for Jail Officers
Jail Management: A Course for Jail Administrators
New Roles for Jails: Guidelines For Planning
Classification of Jail Prisoners
Prisoner Management and Control

A Manual titled Kentucky Jailers Manual, The Lawful Operation of His Jail, compiled under the supervision of John W. Shaffer, then Chief, Jail Consultant Service, and a companion publication titled Jail Food Service and Menu Planning, compiled by Leroy Porter, Jail Consultant Northern District, Jail Consultant Service. Both manuals were published early in 1972.

*At press time, these standards set by the Department For Human Resources have not been approved and should be regarded as guidelines only.

A publication of the American Bar Association, Resource Center on Correctional Law and Legal Services, titled Legal Responsibility and Authority of Correctional Officers.

The National Sheriffs' Association publications:
- Jail Architecture
- Sanitation In The Jail
- Jail Programs
- Food Service In Jails
- Jail Security, Classification and Discipline
- Inmates' Legal Rights
- Jail Administration

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Many people assisted in the preparation of this manual. Especial thanks are due to John W. Shaffer, Director of Correctional Security, Bureau of Corrections, who was the first Jail Consultant when the program was instituted in 1970; William H. Lasley, Instructor-Coordinator, Division of Corrections Training, Bureau of Training; the entire staff of the Kentucky Legal Information Service, Bureau of Training, Ms. Joyce Dillenberger, Artist, Bureau of Training, who designed the Manual cover, and to Ms. Ruby Morgan through whose patience and skill the manuscript was put in readiness for publishing.

As this Manual emphasizes, the climate factor of an organization is a principal determinant of the behavior of the people factor. This writer has found the climate of the Bureau of Training to be conducive to the attainment of the highest professional level. Credit for this rests in general upon the Commissioner, Bureau of Training, Robert Clark Stone, and specifically in this instance, on Jerry L. Wilson, Acting Director, Division of Corrections Training, Bureau of Training.

The several people who reviewed and critiqued the draft copy contributed in large measure to this final product, a Manual for the assistance and guidance of the Jailers throughout the Commonwealth in their efforts to vitalize the role of the Jail in the Criminal Justice System of Kentucky.

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J. E. Baker
Instructor-Coordinator
Division of Corrections Training
Bureau of Training

KENTUCKY JAILERS
Management and Operations
MANUAL

REVISION RECORD

Revisions to this manual should be noted as follows:

DATE	DESCRIPTION OF REVISION*

*Revision Memoranda should be filed following this page.

INDEX

ADMISSION OF PRISONERS I-6

BAIL. I-10

BEDCLOTHING I-10

BOND. I-10

CHAPLAIN. I-11

CIRCUIT JUDGE I-11

CITIES. I-12

CIVIL ACTION. I-13

CLASSIFICATION. I-13

COMPENSATION. I-14

CONSOLIDATION I-16

CONSTRUCTION. I-16

CORRECTIONS, BUREAU OF. I-17

CORRESPONDENCE. I-17

COSTS I-17

COUNTY BUILDINGS. I-18

COUNTY CLERKS; COUNTY COURT I-19

COUNTY JUDGE. I-20

DEATH I-22

INDEX (cont'd)

DEPUTY JAILER I-23

DETOXIFICATION UNIT I-24

DISCIPLINE I-24

DUTIES I-25

EDUCATION I-29

EMERGENCIES I-29

EMPLOYEES I-30

ESCAPES I-30

EXPENSES I-31

FACILITIES AND EQUIPMENT I-32

FEDERAL PRISONERS I-32

FEES I-33

FISCAL COURT I-34

FOOD SERVICE I-35

FORCE I-35

FORTHWITH I-35

HEALTH I-36

HEARING I-36

INSPECTIONS I-37

INDEX (cont'd)

JAIL I-38

JAILER I-40

JUVENILES I-41

LEGAL ASSISTANCE I-42

LEGAL RIGHTS I-42

LIABILITIES I-43

LIBRARY I-45

LODGING I-45

LOG BOOK I-45

MAIL I-46

MATRONS I-46

MEDIAL CARE I-47

MENTALLY ILL PRISONERS I-48

MILITARY PRISONERS I-49

MISDEMEANANTS I-50

OATH OF OFFICE I-51

PAROLE I-52

PENITENTIARY I-53

PERSONNEL I-53

INDEX (cont'd)

PHYSICIAN I-53

POLICE COURT JUDGE I-53

POWERS I-54

PRISONERS I-55

PROBATION I-58

PROPERTY I-58

QUALIFICATIONS I-59

RECORDS I-60

RECREATION AND LEISURE TIME ACTIVITIES I-60

REFORMATORY I-60

RELEASE OF PRISONERS I-61

RELIGION I-62

REMOVAL FROM OFFICE I-62

RESIDENCE I-63

RULES I-63

SAFETY I-64

SALARY I-64

SANITATION I-65

SHERIFF I-65

INDEX (cont'd)

SICK CALL I-66

STATION HOUSE I-66

TRAINING I-67

TREATMENT I-67

VISITING I-68

VISITING BOARD I-68

VOLUNTEERS I-68

WORK I-69

WORKHOUSE I-70

WORK RELEASE I-72

ADMISSION OF PRISONERS

1. GENERAL AUTHORITY: The Jailer shall receive and keep in the jail all persons who are lawfully committed to the jail, until they are lawfully discharged (Sec B: KRS 71.040).

2. CITY PRISONERS: Shall be admitted to County Jail. City must pay regular fees (Sec B: KRS 441.020).

3. FEDERAL PRISONERS: Shall be admitted. Federal Government must pay regular fees (Sec B: KRS 441.020).

4. JUVENILES: Child under age 16 may be admitted only on basis of a hearing before the Juvenile Court Judge and must be kept in a room or ward entirely separate from adult prisoners (Sec B: KRS 208.120; Sec E4), (See also Sec. A1.38, and Sec C3: 74-752).

A child tried on a felony in Circuit Court and convicted of a misdemeanor and sentenced to imprisonment shall be committed to the County Jail (SecE4 still applies).

If child is under 18 at sentencing, the Court may commit to Department for Human Resources (Sec B: KRS 208.180).

A certified copy of commitment order and summary of Court's information concerning the child must be sent to the Jail by Court (Sec B: KRS 208.070).

5. MENTALLY ILL PRISONERS: See Sec B: KRS 202.027; Sec A1.7; Sec C 72-429.

6. MILITARY PRISONERS: May be confined in jail if committing person furnished personally signed statement of offense charged against prisoner (Sec B: KRS 35.055).

Prisoners sentenced by military court may be confined in a jail. They shall be subject to same discipline as persons committed by state courts (Sec B: KRS 35.285).

7. PERSONS ARRESTED IN CITIES OF 4TH OR 5TH CLASS: May be kept in county jail until taken before the police court for examination, if the offense is bailable (Sec B: KRS 95.787).

8. PERSONS COMMITTED WITH COURT ORDER: KRS 71.040 is primary statute under which Jailer confines a person. The Court will furnish two certified copies of judgment to Sheriff who will give one to Jailer (Sec B).

9. PERSONS COMMITTED WITHOUT COURT ORDER: This is an act of holding. An arresting officer places a prisoner in the Jailer's custody until a judge can hold a hearing. According to an opinion of the Attorney General it is permissible under certain circumstances to lodge an arrested person in jail for a short time until a magistrate can be found (Sec C3: 62-765) (See also Sec C3: 64-11; 64-205; 65-317) (Sec A1.1 and Sec A1.20 contain discussions on this topic).

ADMISSION OF PRISONERS

The Rules of Criminal Procedure (R Cr) place a time limit on the period a person may be held before being taken before a magistrate for a hearing (Sec C4:302) (Sec Al.1 and Sec. Al.20).

10. RECEIVED BY TRANSFER: Circuit Judge or, in his absence, the County Judge, may order prisoner transferred to a secure jail. Copy of Court Order to be furnished the receiving Jailer who will give receipt for prisoner. Jailer must accept such prisoners (Sec B: KRS 441.030; KRS 441.040).

County Judge may transfer prisoners from custody of Workhouse Manager or Crew Manager to custody of the Jailer (Sec B: KRS 441.160).

11. RETURNED FROM BUREAU OF CORRECTIONS INSTITUTION ON APPEAL BOND: Jailer may receive prisoner on basis of Court Order returning him from a Bureau of Corrections institution for a hearing before the Court (Sec C4:10.02) (Al.4).

12. RETURNED FROM BUREAU OF CORRECTIONS INSTITUTION FOR NEW TRIAL: Jailer may receive prisoner on basis of Court Order returning him from a Bureau of Corrections institution for a hearing regarding a new trial (Sec C4 10.02) (Sec Al.4).

13. ADMISSION PROCEDURES: Sound practice requires that procedures for receiving prisoners should be established and put in writing for all personnel. KRS 441.040 states that the County Judge shall prescribe rules for the County Jail. The Jailer should make sure admission procedures are in those rules (Sec Al.2).

14. MEDICAL INTAKE STANDARDS: Statutes state that Department For Human Resources shall adopt rules, regulations, and standards on the public health or health aspects of operation of local confinement facilities (Sec E2, 3, 4).

15. PERSONS SENTENCED IN CITY OF 5TH CLASS: Any person sentenced to imprisonment by the police court of a city of the 5th class for violating a city ordinance may be imprisoned in the City Jail, and if there is no City Jail, he shall be imprisoned in the County Jail. Costs shall be paid by the city. When judge or jury so directs the imprisonment will be at hard labor, the prisoner shall be committed to labor in the workhouse, or on the streets or other public works or property within the city until the imprisonment is satisfied (Sec B: KRS 26.490).

ADMISSION OF PRISONERS

16. PERSONS SENTENCED IN CITY OF 6TH CLASS: Any person sentenced to imprisonment by the police court of a city of the 6th class for violating a city ordinance may be imprisoned in the city jail or, if the board of trustees so prescribed by ordinance, in the county jail. Costs shall be paid by the city. When Jury so directs, the imprisonment will be at hard labor, the prisoner shall be committed to labor in the workhouse, or on the streets or other public works or property within the city until the imprisonment is satisfied (Sec B: KRS 26.490).

17. CONFINEMENT OF PRISONER ENROUTE: Jailer may receive a prisoner who is enroute within Kentucky or passing through to another state. Authority for receiving such a prisoner is extradition papers signed by the governor of the accompanying officer's state and the governor of the receiving state, or a certified copy of a court judgment convicting the prisoner of a crime, or a bench warrant charging him with a crime (Sec B: KRS 440.260).

If such a prisoner is charged with a misdemeanor, the Jailer may bill the County to which he is enroute, if the final destination is within Kentucky.

The accompanying officer may pay the Jailer's fees. In this case the Jailer will provide a suitable receipt.

If the final destination is in another state, the Jailer may bill the appropriate level of government there. The accompanying officer may be able to give advice as to which level of government the bill should be sent.

18. PERSON CHARGED WITH CRIME IN ANOTHER STATE: According to KRS 440.270, a person charged with a crime in another state may be arrested in Kentucky. A Kentucky Court may issue a fugitive warrant at the request of any credible person. A Jailer may receive such an arrested person on the authority of the fugitive warrant, and hold him for the period of time as directed by the Court issuing the fugitive warrant. The Jailer may release such a prisoner to an official authorized by the Court (Sec B).

19. PERSON ARRESTED WITHOUT WARRANT: According to KRS 440.280 a person charged with a felony may be lawfully arrested by any peace officer or private citizen, without a warrant, upon reasonable information that the person is charged in a Court with a felony. A Jailer may receive such a person on the authority of a warrant issued by a Court before which the accused was brought and charged. The prisoner may be released on bail (Sec B: KRS 440.280; KRS 440.290; KRS 440.300; KRS 440.320).

ADMISSION OF PRISONERS

20. CONFINEMENT PENDING ARRIVAL OF GOVERNOR'S WARRANT: A Jailer may receive such an accused on the authority of a warrant by a local judge. Such a prisoner may be held only for the period of time specified in the warrant, but in no case for more than 30 days. At the end of 30 days, if the governor's warrant has not arrived, the Jailer should make arrangements for the prisoner to be returned to the local Judge for issuance of another warrant so that confinement may be extended. Such a prisoner may be released again on bail bond (Sec B: 440.310; KRS 440.300; KRS 440.320).

21. CONFINEMENT OF PRISONERS ARRESTED BY BUREAU OF CORRECTIONS EMPLOYEE: Any Bureau of Corrections employee is authorized to arrest a prisoner who has escaped from the custody of the Bureau of Corrections, or who has violated the conditions of his furlough or extended confinement. (Sec B: KRS 439.610; KRS 520.030) The Jailer may receive such a prisoner on the authority of a document which indicates that the person's status is that of a Bureau of Corrections prisoner. Examples of such an authority: Notice of Escape; Copy of Court Judgment; an Order of the Superintendent of the Bureau of Corrections institution from which the escape occurred. (Sec B: KRS 439.610, KRS 520.030).

22. INTERSTATE COMPACT CASES: The Jailer may receive the prisoner on the authority of the detainer warrant issued by the complaining state. (Sec B: KRS 439.570).

23. PROBATION VIOLATORS AND CONDITIONAL DISCHARGE VIOLATORS: A Jailer may receive such prisoners on the authority of a warrant issued by the sentencing Court, or a Bureau of Corrections Form DC-75 signed by a Probation and Parole Officer, (Sec B: KRS 533.050). The fees charged will be the same as those charged for felony and contempt. (Sec B: KRS 64.150(3)).

24. PAROLE VIOLATORS AND CONDITIONAL RELEASE VIOLATORS: A Jailer may receive such prisoners on the authority of a Bureau of Corrections Form DC-75 signed by a Probation and Parole Officer, or a warrant issued by the Board of Parole (Sec B: KRS 439.430). Such prisoners may be released by order of the Probation-Parole Officer. The fees charged will be the same as those charged for felony and contempt. (Sec. B: KRS 64.150(3)).

BAIL

1. AMOUNT OF BAIL: R Cr 318 states that if the offense is bailable, court order given to Jailer must state amount of bail. (Sec C4).

2. WHO MAY TAKE BAIL: R Cr 4.07 names officers who are authorized to take bail. (Sec C4).

3. JAILER NOT REQUIRED OR AUTHORIZED TO TAKE BAIL: Since Jailer is not authorized to take bail, he may not do so. (Sec C3 66-455).

BEDCLOTHING

1. STATUTORY REQUIREMENTS: KRS 71.030 states the Jailer shall provide prisoners with enough bedclothing to keep them comfortable, to be paid out of county levy.(SecB.)

2. REGULATIONS OF BHS: (SecE4.(9).)

BOND

1. JAILER: Sec 103 Ky. Constitution requires bond. KRS 71.010 requires execution of bond by Jailer, to be attested by the clerk and entered in the record (Sec C11, Sec B)

2. DEPUTY JAILERS: Not required.

3. MATRONS: Not required.

4. OTHER EMPLOYEES: Not required.

5. SURETIES: KRS 71.010 states that no coroner, sheriff, sheriff's deputy, county or circuit judge, county or circuit clerk, or attorney shall be surety for Jailer on his official bond (Sec B).

6. AMOUNT: KRS 71.010 states that bond must be approved by court, which includes the amount. The County court may at any time, increase the amount of the bond or require a new bond be made with additional sureties (Sec B).

7. PREMIUM ON BOND: According to KRS 62.140, this may be made by state under certain condition (Sec B).

CHAPLAIN

7. FOR JAIL IN COUNTIES CONTAINING CITY OF 1ST CLASS: To be appointed by the County Judge. Must be a regularly authorized minister of the gospel. To hold office for 4 years and until his successor is appointed and qualified. Subject to removal at any time by the County Judge for sufficient cause stated in writing (SecB:KRS441.310).

2. DUTIES: See DUTIES.7

CIRCUIT JUDGE

1. TRANSFER OF PRISONER TO A SECURE JAIL: May order transfer of prisoner to nearest county having a secure jail. (Sec B: KRS 441.030).

2. TRANSFER OF PRISONER TO A PENITENTIARY: May order transfer of prisoner to penitentiary, with consent of Governor. (Sec B: KRS 441.030).

3. GRANTING PAROLE: May grant parole to certain misdemeanants. (Sec B: KRS 439.177).

4. GRANTING PROBATION: May grant probation. (Sec B: KRS 439.265; KRS 533.020).

5. CONDITIONAL DISCHARGE: May grant conditional discharge. (Sec B: KRS 533.020).

CITIES

1. CITIES OF FIRST CLASS: Offices of Jailer and Sheriff to be consolidated. As of June 1975, Louisville-Jefferson County only area where this has taken place (See SecB: KRS 71.110) and SecC1(105).

2. FEMALE PRISONERS IN CITY OF FIRST CLASS: Mayor to designate places in city where female prisoners may be detained. If there is county jail in the city, Mayor shall also designate it for this purpose(SecB: KRS 441.220).

3. CITIES OF SECOND CLASS: KRS 441.320 provides for election of city jailer in 2nd class cities operating under councilmanic form of government (SecB; KRS 441:320 and KRS 84.150).

4. CITIES OF THIRD CLASS: KRS 85.140 states that the common council, by ordinance, may establish a city prison, workhouse (SecB).

5. CITIES OF FOURTH CLASS: KRS 86.110 states the city council may, within the city, erect a workhouse,station house , and house of correction, and provide for their maintenance and regulation, and for the maintenance and government of the inmates (SecB). (See also C3:62-616 regarding authorization of City of fourth class to use the county jail and the payment of fees.) Persons arrested for any bailable offense may be placed in the station house, county or city jail for safekeeping until taken before the police court for examination (SecB: KRS 95.787.)

6. CITIES OF FIFTH CLASS: Persons arrested for any bailable offense may be placed in the station house, county or city jail for safekeeping until taken before the police court for examination (SecB: KRS 95.787).

7. STATION HOUSE: Any place other than the county jail where persons are temporarily under arrest (SecB: KRS 441.210).

8. MATRONS FOR STATION HOUSE: See MATRONS

9. JAIL VISITING BOARD IN CITIES OF FIRST CLASS: (SecB: KRS 441.290).

10. PROPERTY OF CITY JAIL: All property, machinery and equipment shall be under immediate control of City Jailer in cities of 2nd class (SecB: KRS 441.320).

CITIES

11. PENALTY FOR NOT RECEIVING U.S. PRISONERS: Any violation of KRS 441.020 shall be deemed a misfeasance in office; the county court may fine the Jailer or he may be indicted and fined at jury's discretion (KRS 441.990) (Sec B).

12. TIME ALLOWED OFF SENTENCE: In cities of 2nd class having a jail, the city jailer may grant to any prisoner one day time off at each ten days sentence (Sec B: KRS 441.330).

13. PRO-RATA SHARE OF JAIL PHYSICIAN COMPENSATION: The county may require a city using the jail to pay its pro rata part of the Jail Physician's salary. This applies to counties containing 150,000 population or more (Sec B: KRS 441.300).

CIVIL ACTION

1. FOR INJURY TO COUNTY PROPERTY: Statute says the Jailer shall bring civil action in name of the county to recover possession of, or for injury to or intrusion or trespass upon any such property. This applies in counties having population of less than 75,000 and not having a city of the 2nd class or a circuit court of continuous session. The net proceeds of any such recovery shall be paid into the county treasury (SecB: KRS 67.130.)

CLASSIFICATION

1. STATUTORY BASIS FOR CLASSIFICATION: KRS 71.020, KRS 71.030, and KRS 71.040 are the statutes which, in effect, require some degree of classification of prisoners (SecB).

2. DEFINITION OF CLASSIFICATION: A method for obtaining information about individual prisoners on which to base decisions as to how they should be treated. (SecA1.3 for discussion of methods and benefits of classification.)

COMPENSATION

1. JAILER: The Jailer of each county shall receive a maximum monthly salary of 1/12 of $14,300.00, to be paid solely out of the statutory fees and salaries received by him during the calendar year (Sec B: KRS 64.535). He and his deputy jailers shall be paid semi-monthly by the State Treasurer as set forth in KRS 64.345(4).

The Jailer shall be paid fees in accordance with KRS 64.150 (See FEES).

The Jailer of a county with less than 75,000 population shall be paid a salary fixed by the Fiscal Court, which shall be the maximum compensation the Jailer may receive from fees and salary. (Sec B: KRS 64.530(4); KRS 67.130).

Jailer of county with population over 75,000 receives an annual salary of $14,300 paid by the State out of 75% of fees collected under KRS 64.150.

Section 235 of the Kentucky Constitution states that the salaries of public officers are not to be changed during the terms for which they were elected. (Sec C1:235).

It shall be the duty of the General Assembly to regulate, by general law, in what cases and what deductions shall be made for neglect of official duties by elected public officials. (See C1.235).

The Executive Department for Finance and Administration is responsible for assuring that the Jailer is paid his fees as speedily as possible (Sec B: KRS 64.170).

2. DEPUTY JAILER: In county with population less than 75,000 shall receive a compensation fixed by Fiscal Court. This may be reviewed and adjusted annually upon written request of Jailer (Sec B: KRS 64.530).

In counties containing a city of the first class and in counties having an urban form of government, the number of Deputy Jailers and assistants allowed to the Jailer, and the compensation allowed to each, shall be fixed by the Fiscal Court upon motion of the Jailer. This shall be paid semi-monthly. (Sec B: KRS 64.345(4)).

In all other counties with a population of 75,000 or more, the number of Deputy Jailers and assistants allowed to the Jailer, and the compensation allowed to each, shall be fixed by the Fiscal Court, upon motion of the Jailer, no later than January 15 of each year. (Sec B: KRS 64.345(4)).

Under the Deputy Jailer Subsidy Program, administered by the Jail Consultant Service, Division of Community Services, of the Bureau of Corrections, salary will be paid by the State, if application of authorizing official is approved (Sec E5).

According to OAG 72-19, subsection (5) of KRS 64.530 prohibits the County Jailer from receiving any part of the Deputy Jailers salary. (Sec C3: 72.19).

A Jailer was not authorized to compensate a Deputy Jailer for cooking services in the absence of a specific order of the Fiscal Court providing for the compensation of the Deputy Jailer pursuant to KRS 64.530 (See 3c: 70-591).

3. MATRONS: Shall receive a salary of $100 per month, to be paid in same manner as Deputy County Jailers (Sec B: KRS 71.060). (Sec A1.17).

4. OTHER EMPLOYEES: Determined and paid in same manner as for Deputy Jailers.

5. CITY JAILERS AND DEPUTY IN CITIES OF 2ND CLASS: Minimum and maximum compensation set forth in statute (Sec B: KRS 441.320).

6. MATRONS IN COUNTY JAIL IN CITIES OF 1ST CLASS: Salary set forth in statute (Sec B: KRS 441.230; and Sec C2.1).

7. ASSISTANT MATRONS: Salary set forth in statute (Sec B: 441.240).

8. ASSISTANT MATRONS FOR STATION HOUSE: Assistant Matrons for station house shall be paid a salary by the city in the same manner as other expenses of the police department (SecB: KRS 441.240).

9. JAIL PHYSICIAN IN COUNTIES CONTAINING 150,000 POPULATION: Shall receive a salary paid out of the county levy, in the amount fixed by the Jailer and approved by the Fiscal Court (Sec: KRS 441.300).

10. CHAPLAIN: In jails of counties containing a city of the first class, the Chaplain appointed by the County Judge shall receive a salary to be paid on order of the fiscal court (SecB: KRS 441.310).

11. WAGES OF WORK RELEASEE: DISBURSEMENT OF: See WORK RELEASE.

12. CONSUMER PRICE INDEX: KRS 64.527 provides for the annual compensation of Jailer to be changed in accordance with the consumer price index (SecB).

13. STUDY OF STATUTES: The Jailer should be familiar with the statutes on compensation. All such statutes are in Section B of this Manual. They are:

KRS No.
64.150
64.170
64.345
64.346
64.350
64.355
64.527
64.528
64.530
64.535

CONSOLIDATION

1. CONSTITUTIONAL AUTHORITY: The offices of Jailer and Sheriff may be consolidated by the legislature at any time. When this is done, the Sheriff's office takes over Jailer's duties (SecC1:105.)

2. STATUTORY AUTHORITY: Consolidation of offices of Jailer and Sheriff in counties with a city of the 1st class authorized by statute. As of June, 1975, Louisville is only city where this has taken place (SecB: KRS 71.110.)

CONSTRUCTION

1. CONSTRUCTION AND RENOVATION OF JAIL: (SecE1.1 and SecE4(18). (See also SecB:KRS 441.410 through 441.450), (See Directive No. 50, February 1975, Proposal for Jail Construction and Renovation, Bureau of Corrections).

CORRECTIONS, BUREAU OF

1. PROVIDING INFORMATION TO COURT FOR MISDEMEANANT PAROLE CONSIDERATION: County or police judge may have additional background or character information collected or reduced to writing by Bureau of Corrections (KRS 439.177(2)).

2. BUREAU OF CORRECTIONS ROLE IN MISDEMEANANT PAROLE: The Bureau of Corrections shall be given copy of parole order; shall supervise parolee for duration of parole; parolee to be released from jail under this statute and be subject to all reasonable Bureau of Corrections rules and regulations (Sec B: KRS 439.177 (4) (6) (8)).

3. BUREAU OF CORRECTIONS ROLE IN MISDEMEANANT PROBATION: In placing a defendant on probation, the court may direct that he be supervised by Bureau of Corrections (See KRS 439.550 (2)).

4. JAIL CONSULTANT SERVICE: The Jail Consultant Service, Division of Community Services, provides assistance and guidance to Jailers and under KRS 439 has coordinating responsibility for all jail construction and renovation. (Sec B: KRS 441.410 through KRS 441.450) (See also D6 and Sec E1).

CORRESPONDENCE

1. RULES: Prisoners may send and receive letters under rules approved by the County Court. (SecB:KRS 441.010) Such rules must be reviewed frequently to make sure they are in line with new legislation or Court orders regarding prisoner mail. The Jail Consultant Service will provide information on this if Jailer or Court requests. (Sec A1.25).

2. INSPECTION OF MAIL: Statutes authorize the censoring of sealed letters or sealed communications for security purposes in official detention or penal facilities (SecB: KRS 526.050 (2)

COSTS

1. CREDIT ON COSTS AND FINES: Prior to 1974 the statutes provided that an offender could be confined in jail until any fines and costs were satisfied by payment or by crediting the prisoner a stated amount per day credit for days worked (SecB: KRS 431.130; KRS 431.140).

COUNTY BUILDINGS

1. SUPERINTENDENT OF COUNTY BUILDINGS: In counties under 75,000 population, the Jailer shall be Superintendent of the public square and of all county buildings at the county seat, if the county does not have the following:

   a. A city of the 2nd class
   b. A circuit court of continuous session (SecB: KRS 67.130).

2. FUNDS FOR BUILDINGS MAINTENANCE: The fiscal court of the counties mentioned in Paragraph 1 shall appropriate each year the funds to heat and light the county buildings and to keep them in clean, comfortable and presentable condition. Funds appropriated for this purpose shall be expended by the Jailer. If the Jailer's residence is owned by the county, funds shall also be appropriated for its upkeep (SecB: KRS 67.130).

3. INJURY TO OR INTRUSION OR TRESPASS ON COUNTY PROPERTY: In any of these instances, the Jailer shall bring civil action in the name of the county to recover possession of or for injury to the property (SecB: 67.130).

4. PROCEEDS OF CIVIL ACTION: The net proceeds of any such recovery as mentioned in Paragraph 3 shall be paid into the county treasury (SecB: KRS 67.130).

5. FISCAL COURT RESPONSIBLE FOR COUNTY BUILDINGS: In counties that have a city of the 2nd class and where all terms of the circuit court are held at the county seat, the fiscal court shall have the care and custody of the courthouse and the public ground it is located on: (SecB: KRS 67.140).

6. FURNISHING UTILITIES TO COURTS: The Jailer is not responsible for furnishing fuel, lights, or water to any courts in the counties mentioned in Paragraph 5 (SecB: KRS 67.150).

7. PERSONAL PROPERTY OF COURTHOUSE: The Jailer of each county is liable upon his official bond for the value of any furniture, bedding and similar property of the courthouse and jail which is lost or destroyed by his negligence or fault. The county may enforce this liability by notice and motion in the county court (SecB: KRS 67.170).

COUNTY CLERK AND COUNTY COURT

1. COUNTY CLERK TO TAKE CHARGE OF JAIL: When office of Jailer is vacant by reason of a removal under KRS 63.140, the County Clerk shall take charge of the jail until the County Judge fills the vacancy by appointment for remainder of the Jailer's term, or temporarily, as the occasion may demand (SecB: KRS 63.220 and KRS 63.140).

2. COUNTY COURT: See COUNTY JUDGE

COUNTY JUDGE

1. STATUTORY OBLIGATIONS AND POWERS REGARDING COUNTY JAILS: The County Court shall prescribe rules for the government and cleanliness of the county jail, and the comfort and treatment of prisoners. (Sec B: KRS 441.010).

The county court may enforce jail rules by fine and punish Jailer for disobedience of rules or for neglect of his official duties. (SecB: KRS 441.010).

The county judge shall inspect the jail at least once a month. (SecB:KRS 441.010).

2. COUNTY JUDGE MAY ORDER TRANSFER OF PRISONER: TO A SECURE JAIL: If there is no county jail, or jail is insecure, or there is danger or probable danger of delivery from jail by violence, the County Judge, in absence of Circuit Judge, may order prisoner transferred to nearest secure county jail (SecB: KRS 441.030).

3. COUNTY JUDGE MAY ORDER TRANSFER OF PRISONER TO PENITENTIARY OR REFORMATORY: If of the opinion that a prisoner cannot be safely kept in the county jail, the County Judge may, with governor's consent, order transfer to the penitentiary or the reformatory (SecB; KRS 441.050).

4. PAROLE OF MISDEMEANANTS: The County Judge may parole any misdemeanant sentenced by the police court of a city of the 4th, 5th or 6th class, upon the prisoner's petition. (SecB: KRS 439.177).

The County Judge may parole any misdemeanant sentenced by any court other than in a city of the first three classes upon the prisoner's petition (SecB: KRS 439.177).

5. SHOCK PROBATION: Any county or circuit court may suspend sentence and place prisoner on probation upon such terms as the court determines. This may be done on petition of the prisoner, or on motion of the sentencing court no earlier than 30 days nor later than 60 days after delivery to institution (SecB: KRS 439.265).

6. PROBATION BY INFERIOR COURT: Any court inferior to the circuit court may place a defendant on probation (SecB:KRS 439.550). Such probation must be with supervision. (SecC3:64-413).

7. RELEASE PRIVILEGES: Any person sentenced to jail for a misdemeanor, nonpayment of fine or forfeiture, or contempt of court, may be granted the privilege of leaving the jail for following purposes:

a. Seeking employment
b. Working at self-employment
c. Conducting own business or other self-employment occupation; in case of a woman, for housekeeping and attending the needs of her family.
d. Attendance at an educational institution
e. Medical treatment
(SecB: KRS 439.179)

A prisoner may petition the court for release privilege at time of sentencing or thereafter. If denied, prisoner may renew petition at the discretion of the court. Privilege may be withdrawn by court at any time with or without notice (SecB: KRS 439.179).

8. COUNTY JUDGE SHALL APPOINT CHAPLAIN: In Counties containing a city of the first class, the County Judge shall appoint a regularly authorized minister of the gospel as Chaplain for the jail in the city (SecB: 441.310). See also DUTIES-CHAPLAIN.

9. COUNTY COURT SHALL EMPLOY PHYSICIAN FOR WORKHOUSE: (SecB: KRS 441.110).

10. APPOINT JAILER: When office of Jailer is vacant by reason of a removal under KRS 63.140, the County Judge shall fill the vacancy at once either for the remainder of the term or temporarily as the occasion may demand as provided for by KRS 63.220 (SecB: KRS 63.090; KRS 63.130; 63.140; 63.150; 63.220).

11. OTHER APPOINTING POWER OF COUNTY JUDGE: The fiscal court may appoint a manager of a workhouse (SecB: KRS 441.090).

The County Judge may lease the workhouse grounds and property for a period not longer than one year. The lessee shall have the right to the labor of all prisoners in the workhouse under regulations made by the fiscal court (SecB: KRS 441.100).

DEATH

1. DEATH OF PRISONER: Jailer shall deliver those who die in jail to their friends, if requested, or have them decently buried at county expense (SecB: KRS 71.040).

2. PROCEDURE AT DEATH Of PRISONER: Jailer should be aware of and instruct his deputy jailers, matrons, and other employees of legal procedures required when prisoner dies in the jail or while at hospital (SecB: KRS 72.020 re Notification of Coroner).

DEPUTY JAILER

1. APPOINTMENT AND TENURE OF OFFICE: A Deputy Jailer is appointed by and serves at the pleasure of the Jailer (Sec B: KRS 71.060).

2. DUTIES: See DUTIES.

3. POWERS: Has all powers of the Jailer (SecB: KRS 71.060).

4. RESPONSIBILITIES: Has all responsibilities of the Jailer (SecB: KRS 71.060).

5. LIABILITIES: Has all liabilities of the Jailer (SecB: KRS 71.060).

6. RESIDENCE: Jailer or a Deputy Jailer must reside at the jail or within 400 yards of the jail (SecB: KRS 71.020).

7. NUMBER OF DEPUTY JAILERS: Any Jailer may appoint two deputies (SecB: KRS 71.060). Additional deputies may be appointed with county court approval (SecB: KRS 64.345 and KRS 71.060). (SecC3:72-19).

8. COMPENSATION: See COMPENSATION

9. ASSISTANCE TO MATRON OR ASSISTANT MATRON: KRS 441.260 states that Matron or Assistant Matron may call upon Jailer or his deputies for assistance (SecB).

10. DEPUTY JAILER IN CITIES OF 2ND CLASS: In cities of 2nd class with councilmanic form of government the elected Jailer may appoint a deputy whose duties and salary will be prescribed by general council ordinance (SecB: KRS 441.320).

11. TRAINING UNDER DEPUTY JAILER SUBSIDY PROGRAM: (SecE5).

12. QUALIFICATIONS: See QUALIFICATIONS. (See also Sec. E5).

13. REMOVAL FROM OFFICE: The Jailer may remove a Deputy Jailer from office. (See also SecB: KRS 63.180, Proceeding For Removal Of Nonelective Peace Officer).

DETOXIFICATION UNIT

1. WHERE REQUIRED: A detoxification unit shall be provided in all confinement facilities which are used to confine persons who may be intoxicated (Sec E4(3))(Sec A1.37)

DISCIPLINE

1. RULES: The county court shall prescribe rules for the government and cleanliness of the county jail and the comfort and treatment of prisoners (SecB: KRS 441.010).

Rules should be written and published as to standards of conduct. Each prisoner should be told of these rules and furnished a copy of them. All personnel should be aware of the rules and how they are to be interpreted. These are the minimum actions necessary for the Jailer to take if he is to comply with the provisions of the statutes charging him with keeping the jail (SecB: KRS 71.020; KRS 71.030; KRS 71.040) (SecA1.6 is a discussion of the disciplinary process).

2. RELEASE PRIVILEGES: The Jailer may refuse to permit a prisoner to leave the jail under the release privileges as spelled out in KRS 439.179(1) for any breach of discipline or other violation of jail regulations for a period not to exceed five days (SecB: KRS 439.179(9)).

3. USE OF PHYSICAL FORCE: The Jailer should be fully aware of the statutes on this topic (SecB: KRS 503.010 through KRS 503.110) (See also SecA1.36).

4. MILITARY PRISONERS: Such prisoners may be subjected to minor punishment for infractions of discipline. (SecB: KRS 35.060).

DUTIES

1. DUTIES OF JAILER: The primary duty of the Jailer is the keeping of the jail. He must keep the jail himself or the jail must be kept by a deputy jailer (SecB: KRS 71.020).

The Jailer must keep the jail comfortably warm, and clean and free from nauseous odors. He must provide prisoners with bedclothing sufficient to make them comfortable (SecB: KRS 71. 030).

It is the Jailer's duty to obtain medical aid for a sick prisoner (SecC3: 1958-42,117).

The Jailer must receive and keep in the jail all persons lawfully committed thereto until they are lawfully discharged (Sec B: KRS 71.040).

The Jailer must treat prisoners humanely and furnish them proper food and lodging (SecB: 71.040).

The Jailer shall deliver prisoners who die in Jail to their friends, if requested, or have them decently buried at county expense (SecB: KRS 71.040).

In Counties with a population of less than 75,000 and not having a city of the 2nd class or a circuit court of continuous session, the Jailer shall be superintendent of the public square and of county buildings at the county seat (SecB: KRS 67.130).

The Jailer is an officer of the Circuit and County Courts for his county. (SecB: KRS 71.050). As an officer of the court, the Jailer is required to attend sessions of the court when held. When he attends the court he is to be allowed a fee not to exceed $6.00 a day.(SecB: KRS 64.150). (See also Sec A1.28).

The Jailer shall expend annually all funds appropriated by the fiscal court for the upkeep of the buildings mentioned in foregoing paragraph (SecB: KRS 67.130).

The Jailer shall take charge of and carefully preserve all furniture, bedding and similar property belonging to the courthouse and jail. He is liable for loss or destruction resulting from his negligence or fault (SecB: 67.170).

The Jailer shall bring civil action in the name of the county to recover possession of or for injury to or intrusion or trespass upon the county property for which he is responsible (SecB: KRS 67.130).

The Jailer has a duty to insure that his deputies are trained and aware of their duties and how best to carry out their duties. While no statute specifically requires that he do so, it certainly is to the best interest of the Jailer since he is liable on his official bond for the conduct of his deputies (SecB: KRS 71.060).

DUTIES

Any Jailer shall notify the Department for Human Resources if he has reason to suspect that any employee has contracted or is a carrier of a communicable disease (SecE4(12)).

As used in the statute laws of this state, unless the context says otherwise, the term Peace Officer includes Sheriffs, Constables, Coroners, Jailers, Marshals, Policemen and other persons with similar authority to make arrests. (SecB: 446.010 (9)). (See Also: C3:69-174). The arresting authority of a Peace Officer is described in KRS 431.005(1). (See also C3:69-174).

Under KRS 211.930 no person responsible for the supervision or maintenance of a state or local confinement facility shall knowingly cause or permit such facility to be operated in violation of rules, regulations, or standards set by the Department for Human Resources pursuant to KRS 211.920 to KRS 211.945 (SecB: KRS 211.930).

2. DUTIES OF DEPUTY JAILERS: A Deputy Jailer has the same duties and liabilities as the Jailer (SecB: KRS 64.345).

In cities of the 2nd class operating under a councilman form of government, the Deputy Jailer shall perform such duties as the general council prescribes by ordinance (SecB: KRS 441.320).

Deputy Jailers of county and city jails shall assist a Matron or Assistant Matron should they be called upon for assistance (SecB: KRS 441.260).

The Deputy Jailer is also a Peace Officer as discussed under Jailer.

3. DUTIES OF MATRONS: Matrons shall have the care and supervision of female prisoners, subject to the orders of the Jailer (SecB: KRS 71.060(2)).

In either a county or city jail the Matron shall have the entire care of women and children under arrest in the jail (SecB: KRS 441.260).

A Matron designated as being in charge shall supervise the Assistant Matrons and instruct them in their duties and see that they give proper care to the prisoners (SecB: KRS 441.230; KRS 441.260).

A Matron or Assistant Matron must be on duty at all times one or more female prisoners are in the jail (SecB:KRS 441.260).

DUTIES

In cities of the 2nd class operating under a councilmanic form of government the Jailer shall perform such duties as the general council prescribes by ordinance, and have immediate control of all property, machinery and equipment of the city jail (SecB: KRS 441.320).

Both County Jailers and City Jailers shall supervise the Matrons assigned to the jail (SecB: KRS 441.260).

The Jailer of county and city jails shall assist a Matron or Assistant Matron should they be called upon for assistance (SecB: KRS 441.260).

Within 24 hours the Jailer shall report to the military commanding officer the receiving of a military prisoner (SecB: KRS35.055).

The Jailer shall make a report each month to the county court on the dispoition made of prisoners sentenced to hard labor (SecB: KRS 441.200).

When a prisoner has been granted release privileges by the court, the Jailer shall notify the Bureau of Employment Security who shall endeavor to secure employment for the prisoner (SecB: KRS 439.179 (3).

On going out of office, the Jailer shall deliver to his successor the custody of the jail, its property and supplies, the prisoners, and all official papers on the commitment and release of prisoners (SecB: KRS 71.100).

The Jailer shall provide suitable accomodations for the matrons and female prisoners at the county or city jail (SecB: KRS 441. 230). Such accomodations for female adult prisoners shall be separate from those provided for adult male, juvenile male, and juvenile female (SecE4(3)).

The Jailer shall provide separate room or ward facilities for juvenile males (SecB: KRS 208.120 (SecE4 (3).)

The Jailer shall provide separate room or ward facilities for juvenile females (SecB: KRS 208.120 (SecE4(3)).

DUTIES

4. DUTIES OF ASSISTANT MATRONS: Shall perform duties as assigned by the person in charge of the jail; work the hours arranged by that person (Sec B: KRS 441.230; KRS 441.240; KRS 441.260).

5. DUTIES OF OTHER EMPLOYEES: These are persons who may be employed by the Jailer to help operate his office. Their duties will be those assigned by the Jailer; for example: clerk or cook (Sec B: KRS 64.530).

6. DUTIES OF JAIL PHYSICIAN: Physician appointed by Jailer in counties containing 150,000 population or more shall attend upon and prescribe for all persons confined in jail by court order (Sec B: KRS 441.300).

7. DUTIES OF CHAPLAIN: Chaplain appointed by the County Judge in each county containing a city of the first class shall:

Give proper religious instruction and comfort to prisoners who wish to receive the same.

Shall visit those who are sick or despondent.

Shall use his best efforts to promote the religious and moral welfare of the prisoners, as well as the harmony and general interest of the jail.

Shall hold religious services in the jail for the benefit of the prisoners each Sunday, unless excused by the Jailer because of illness or good cause.

Shall perform his duties subject to the rules established for the control of prisoners (Sec B: KRS 441.310).

8. DUTIES OF WORKHOUSE MANAGER: The appointment and duties of a Workhouse Manager may be found in KRS 441.090 (Sec B).

9. DUTIES OF CHIEF OF POLICE: In cities of the Fifth Class the Chief of Police shall have supervision of the city jail and the chain gang. (Sec B: KRS 95.730).

10. DUTY OF PERSON FINDING OR POSSESSING DEAD BODY: (Sec B: KRS 72.020).

EDUCATION

1. DAY RELEASE OF MISDEMEANANTS FOR EDUCATION PURPOSES: KRS 439.179 permits a County Judge to authorize the day release of misdemeants for several purposes, one of which is attendance at an educational institution (SecB).

2. EDUCATION PROGRAMS FOR THE JAIL: (SecA1.8).

EMERGENCIES

1. Medical Emergencies: The Jailer and his staff should have knowledge of the various types of medical problems presented by prisoners, some of which may be emergencies. These are:

Alcoholics
Mentally Ill
Diabetics
Drug Addicts
Epileptics
Sex Offenders

(Sec A1.7 is a discussion of all of these.)

2. Emergency Plans: Plans should be developed to cover emergency situations. A discussion of each, with model plan, is contained in the Section indicated:

Escapes	A1.13
Riots	A1.14
Fire	A1.15
Civil Emergencies	A1.16

(See also SecE4 (7)).

EMPLOYEES

1. DEPUTY JAILER: See DEPUTY JAILER, and DUTIES

2. MATRONS: See MATRONS and DUTIES.

3. OTHER EMPLOYEES: KRS 64.345 provides that a Jailer may employ persons to help operate his office, such as clerk or cook. The state treasurer shall pay their salaries out of the fees paid into state treasury for fees, if the county has over 75,000 population. In counties with a population less than 75,000, the fiscal court shall fix the compensation. (SecB: KRS 64.530).

4. RESIDENCE AT JAIL: If any of the employees mentioned reside at the jail, the fiscal court may or may not charge a monthly rental fee. (Sec C3 60-1279).

5. COMMUNICABLE DISEASES: No person having a communicable disease may work in any area of jail if there is a likelihood of transmitting the disease to others. (SecE4(12).

6. PERSONNEL MANAGEMENT: (SecA1.18)

7. JAIL PHYSICIAN: In counties containing 150,000 population, the Jailer may appoint a physician for the County Jail who shall attend upon and prescribe for all persons confined in jail by court order. (SecB: KRS 441.300) (See also DUTIES and MEDICAL CARE).

8. CHAPLAIN: The County Judge of each county containing a city of the first class shall appoint a regularly authorized minister of the gospel as Chaplain for the jail in the city. (Sec B:KRS 441.310) (Also See DUTIES AND RELIGION).

ESCAPES

1. NEGLIGENTLY PERMITTING ESCAPE OF PRISONERS: See LIABILITIES.

2. VOLUNTARILY PERMITTING ESCAPE OF FELON: See LIABILITIES.

3. PERMITTING ESCAPE OF PRISONER IN CUSTODY: See LIABILITIES

4. PROCEDURE IN ESCAPES: (SecA1.13).

EXPENSES

1. RESIDENCE EXPENSES: See COUNTY BUILDINGS

2. COUNTY BUILDINGS: See COUNTY BUILDINGS

3. OFFICE EXPENSES: In counties containing a city of the first class and in counties having an urban-county form of government, the amount, if any, allowed for the necessary office expenses of the Jailer shall be fixed by an order entered upon the order book of the Circuit Court and County Court, and signed by a majority of the judges.(SecB: KRS 64.345 (2)).

In all other counties with a population of 75,000 or more, the amount, if any allowed for the necessary office expenses of the Jailer shall be fixed by the Fiscal Court (SecB: KRS 64.345 (2)). The Fiscal Court may authorize and pay out of the general fund of the county for the efficient operation of the office of the Jailer. (SecB: KRS 64.346).

4. BEDCLOTHING EXPENSES Shall be paid for out of the county levy. (SecB: KRS 71.030).

5. ACCOMODATIONS FOR FEMALE PRISONERS: The expense of accomodations at a county or city jail for matrons and female prisoners will be borne by the county or city.(SecB:KRS 441.230).

6. RECORDS OF EXPENSES (SecA1.28)

FACILITIES AND EQUIPMENT

1. STANDARDS: Refer to SecE4(3) for details of following:

Cells, size of
Cells, furnishings of
Dormitory Standards
Detoxification Unit
Composition and Care of Floors, Walls, Ceilings
Confinement Facilities For:
    Adult Males
    Adult Females
    Juvenile Males
    Juvenile Females

2. CONDITION OF FACILITIES: The condition of facilities has often been the cause of prisoner complaints to the courts. Because of certain conditions prisoners have claimed that living in these facilities is unconstitutional as cruel and unusual punishment. (SecA1.39).

FEDERAL PRISONERS

1. IN COUNTY JAIL: The United States may use the jail of any county by paying the Jailer fees allowed by KRS 64.150 (Sec B: KRS 441.020).

FEES

1. STATUTORY FEES: There is a statutory fee schedule by which a Jailer is compensated for his services. KRS 64.150, Fees and Compensation, sets out the fees the Jailer may collect for attending court, keeping and dieting prisoners, and furnishing utilities to the courts. Fees may be collected from the federal, state, county, and city governments. For services other than those mentioned in KRS 64.150, the Jailer shall receive the same fees paid to Sheriffs for like services (Sec B: KRS 64.060; KRS 64.090; KRS 64.095).

2. FEES FROM FEDERAL GOVERNMENT: The United States may use any county jail by paying the Jailer the fees allowed in KRS 64.150 for the type of services rendered. (SecB: KRS 441.020).

3. FEES FROM CITIES: Any city may use the jail of the county in which the city is located by paying the Jailer the fees allowed in KRS 64.150 for the type of services rendered. (SecB: KRS 441.020).

4. FEES FROM OTHER COUNTIES: The Circuit Judge, or in his absence, the county judge may transfer a prisoner to a more secure jail. The receiving Jailer shall receive the same fees as he would for a prisoner committed by the circuit court of his county. (SecB: KRS 441.030; KRS 441.040).

5. FOR MISDEMEANANTS ON WORK RELEASE: Jailers shall receive the same fees as provided in KRS 64.150 (SecB: KRS 439.179).

6. REPORTING OF FEES RECEIVED: Jailer shall send statement on first day of month to State Department of Finance showing the amount of fees collected the previous month, and with the statement also send the money itself. (SecB: KRS 64.345).

7. DEFAULT OF APPROVED DEPOSITORY: In counties of 75,000 population when the Jailer is required under section 106 of the Kentucky Constitution (SecC1:106) to pay the fees collected by him into the State Treasury, the Jailer is relieved of all liability for funds deposited in a depository or depositories approved by the fiscal court. (SecB: KRS 64.365).

FISCAL COURT

1. STATUTORY OBLIGATIONS REGARDING COUNTY JAILS: The fiscal court may secure a sufficient jail. (SecB:KRS 67.080) This means the fiscal court is obligated to provide all items and equipment necessary for the Jailer to perform his duties as keeper of the Jail.) (Sec A1.5; C3:64.578).

In counties with population of 75,000 or more,the fiscal court may pay out of the general fund any expenditures which it believes are necessary for efficient operation of office of Jailer (SecB: KRS 64.346).

2. ESTABLISHMENT OF WORKHOUSE: Any fiscal court may establish a workhouse (SecB:KRS 441.070) It may also contract with the fiscal court of another county, or with the legislative body of a city in the county to jointly operate a workhouse whether owned by either or both parties (SecB: KRS 441.080).

3. RESPONSIBILITY FOR COUNTY BUILDINGS: In counties that have a city of the 2nd class and where all terms of the circuit court are held at the county seat, the fiscal court shall have the care and custody of the courthouse and the public ground it is located on. (SecB: KRS 67.140).

FOOD SERVICE

1. STATUTORY REQUIREMENTS: The Jailer shall furnish prisoners with proper food. (SecB: KRS 71.040).

The Fiscal Court may secure a sufficient jail. (SecB: KRS 67. 080). In the Attorney General's opinion the Fiscal Court is required to equip the County Jail with cooking and kitchenware, and to determine what items or appliances are necessary in feeding the prisoners.(SecC3:64-578).

2. STANDARDS (SecE4(15)(16)).

3. GUIDELINES FOR MANAGEMENT AND OPERATIONS OF FOOD SERVICE: (See A1.19).

FORCE

1. USE OF PHYSICAL FORCE: The Jailer should be fully aware of the statutes on this topic. (Sec B: KRS 503.010 through KRS 503.110). (See also Sec A1.36).

FORTHWITH

1. DEFINITION OF: (Sec A1.20)

HEALTH

1. CONFINEMENT FACILITIES HEALTH ACT 1974. Under this Act the Department for Human Resources has the authority, power and duty to prescribe rules, regulations, and standards relating to the public health or health aspects of state and local confinement facilities; make inspections of such facilities, and develop plans to eliminate conditions adversely affecting the health of persons confined or likely to be confined in those facilities. (SecB: KRS 211.920 through 211.945). (SecE2;E3;E4).

HEARING

1. HEARING BEFORE A MAGISTRATE: The Jailer should not allow a person to be held in jail indefinitely without a hearing before a Magistrate. There is no statute which sets a definite time limit except KRS 202:245 which permits a health officer to obtain a warrant for a mentally ill person who, if violent, may be held in the County Jail for a period not to exceed 48 hours. (SecC3: 62-765; 64-205; 65-317). (Sec A1.1 and A1.20).

2. DISCIPLINARY HEARING: Rules for the conduct of prisoners should be written and published. Such rules should contain definite procedures to be followed, one of which should state when a prisoner will be heard by the group appointed to consider reports of rules violations. Procedures must provide for due process. (SecA1.6).

INSPECTIONS

1. RESPONSIBILITY OF COUNTY JUDGE: The County Judge shall inspect the jail at least once each month (SecB: KRS 441.010).

2. SCHEDULE: Regular inspections should be made to determine that standards adopted by the Department for Human Resources are met. (SecE2;E3;E4).

3. INSPECTIONS BY DEPARTMENT FOR HUMAN RESOURCES: (SecB: KRS 211.925; KRS 211.930; KRS 211.935; KRS 211.940; KRS 211.945).

4. PROCEDURES: (See A1.21).

JAIL

1. ESTABLISHING A COUNTY JAIL: The statutes state the fiscal court may secure a sufficient jail. (SecB: KRS 67.080).

2. ESTABLISHING A WORKHOUSE: KRS 441.070 states the fiscal court may establish a workhouse. (SecB).

3. JOINT OPERATION OF WORKHOUSE BY COUNTIES: KRS 441.080 permits the fiscal courts of 2 or more counties to construct, manage and use a workhouse. (SecB)

4. JOINT OPERATION OF WORKHOUSE BY COUNTY-CITY: KRS 441.80 permits a fiscal court and the legislative body of a city to contract for the joint operation of a workhouse, whether owned by the county, or by the city, or by both (Secb).

5. ESTABLISHMENT OF JAIL-CITIES OF SECOND CLASS: The general council may establish a city prison, workhouse, house of detention, or house of refuge and make all needful regulations and appoint all persons and assistants needed for proper operation. (SecB KRS 84.150).

6. CITY JAILER AND DEPUTY IN CITIES OF SECOND CLASS: The voters of a second class city, operating under the councilmanic form of government, shall elect a city Jailer. (SecB: KRS 441.320).

7. MANAGER OF WORKHOUSE: See WORKHOUSE.

8. CITIES OF THIRD CLASS: The common council may, by ordinance, establish and erect city prisons and workhouses, and make regulations for their government, either within or beyond the city limits. (SecB: KRS 85.140).

9. CITIES OF FOURTH CLASS AND CITIES OF FIFTH CLASS: In a city of the 4th class the city council may, within the city, erect a workhouse, stationhouse, or house of correction, and provide for the maintenance, regulation, and government of the buildings and inmates. (SecB: KRS 86.110).

In a city of the 5th class the Chief of Police shall have supervision of the city jail and the chain gang (SecB: KRS 95.730).

10. CONSOLIDATION OF SHERIFF-JAILER OFFICES: KRS 71.110 states that the offices of Sheriff and Jailer in counties containing a city of the first class shall be consolidated; the office of Sheriff to be retained and the Sheriff is to perform the duties of Jailer. (Sec B).

11. RULES FOR COUNTY JAIL: The Statutes states that the Jailer shall have the custody, rule and charge of the jail and of all persons in the jail. (KRS 71.020). The county court shall prescribe rules for the government and cleanliness of the jail and the comfort and treatment of prisoners. (SecB: KRS 441.010) (Sec A1.22).

12. CITY USE OF COUNTY JAIL: Allowed by statute. (SecB: KRS 441.320).

13. FEDERAL GOVERNMENT USE OF COUNTY JAIL: Allowed by Statute. (SecB: 441.320).

14. MILITARY USE OF JAILS: KRS 35.055 and KRS 35.285 permits the housing of military prisoners, before and after conviction, in any jail designated by the governor or by the Adjutant General of Kentucky (Sec B).

15. SECURITY STANDARDS: (SecD7)

16. SAFETY STANDARDS: (SecE4(7)(SecE5)

17. HEALTH STANDARDS: (SecE2;3;4;5).

18. JAIL REMODELING OR RENOVATION: (SecE1;E4(18)).

JAILER

1. OFFICE OF JAILER: Established by Section 99 of the Kentucky Constitution adopted in 1891. Kentucky is only State where jailer is an elected official. (SecC1:99) The Jailer is an officer of the circuit and county courts for his county. (SecB: KRS 71.050) (See also SecC3:38714) The Jailer is a Peace Officer (SecB: KRS 446.010(24).

2. CONSOLIDATION OF OFFICES OF SHERIFF AND JAILER: See CONSOLIDATION.

3. QUALIFICATIONS FOR COUNTY JAILER: See QUALIFICATIONS.

4. BOND: See BOND

5. COMPENSATION: See COMPENSATION

6. SURETIES: See BOND

7. OATH OF OFFICE: The Jailer shall take the oath prescribed by the Kentucky Constitution (C1.228) before entering upon his duties. (SecB: KRS 71.010).

8. RESIDENCE: See RESIDENCE

9. DUTIES: See DUTIES

10. POWERS: See POWERS

11. LIABILITIES: See LIABILITIES

12. OFFICE OF CITY JAILER IN CITIES OF 2ND CLASS: In cities of the 2nd class with a councilmanic government, the voters shall elect a city Jailer (SecB: KRS 441.320).

13. QUALIFICATIONS OF CITY JAILER IN CITIES OF 2ND CLASS: See QUALIFICATIONS.

14. DUTIES OF CITY JAILER IN CITIES OF 2ND CLASS: See DUTIES.

15. COMPENSATION OF CITY JAILER AND DEPUTY IN CITIES OF 2ND CLASS: SEE COMPENSATION.

16. TRAINING AVAILABLE FROM BUREAU OF TRAINING: (SecD7).

17. LEGAL ASSISTANCE FOR JAILER: See LEGAL ASSISTANCE.

18. WHO TO ACT AS JAILER: See SHERIFF.

JUVENILES

1. STATUTORY STANDARDS: See PRISONERS: (See also Sec A1.38; C3:74-752).

2. COUNTY DETENTION FACILITIES: The Fiscal Court of each county shall provide for a suitable facility for the detention of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation of the facility (SecB: KRS 208.130 (1). (See Also SecC3: 74-752).

In counties containing a city of the first or second class, the Fiscal Court must maintain a permanent detention home either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution (SecB: KRS 208.130 (2)).

In counties other than those with a city of the first or second class, the Fiscal Court shall either maintain a detention home or arrange for the use of private or family homes. (SecB: KRS 208.130 (3)). (See also Sec C3: 74-752).

The Fiscal Court of any county may arrange with the Department for Human Resources for the use of its regional reception-diagnostic centers for those cases pending before the Juvenile Court of its county. (SecB: KRS 208.130(6) (See also Sec C3:74-752).

3. ROLE OF JAILER: The County Jailer apparently has no statutory duty to assume the custodial role as the keeper of the detention facility. However, the Fiscal Court could contract with the Jailer, or anyone else deemed suitable, to assume this custodial function. (Sec C3: 74-752).

LEGAL ASSISTANCE

1. LEGAL ASSISTANCE FOR PRISONERS: (Sec A1.23).

2. LEGAL ASSISTANCE FOR JAILER: The County, or City, Attorney, or the Circuit or County Judges will provide legal assistance to the Jailer at his request.

The Kentucky Legal Information Service will, on request, provide the following types of assistance:

Supply photocopies of cases and statutes
Loan books and other materials
Answer criminal law reference questions
Prepare bibliographies

The KLIS can be reached by dialing 1-800-432-9529. This is a toll-free number. The Service is available on a 24-hour-per-day basis. (See Kentucky Legal Information Service in this Manual).

LEGAL RIGHTS

1. LEGAL RIGHTS OF PRISONERS: (Sec A1.23)

LIABILITIES

The Jailer is sworn to uphold the state constitution and perform his duties according to law. If he does not do his duties in the proper way he may become liable for either civil damages or criminal actions.

Drunkenness on duty can be penalized by a fine of not less than one hundred nor more than one thousand dollars.

1. LIABILITIES OF COUNTY JAILER: For misfeasance or malfeasance in office, or wilful neglect in discharge of official duties: A conviction upon any of these charges shall force the Jailer to vacate his office. (Sec Cl.227) The Jailer is liable for indictment in the County for these violations. If convicted, the Jailer may be fined not less than $50, nor more than $200 and the judgment of conviction shall declare the Office of Jailer vacant. (Sec B: KRS 61.170).

For violation of KRS 71.020 Custody of Jail: KRS 71.020 gives the Jailer the custody, rule and charge of the jail in his county and of all persons in the jail. He or one of his deputies must reside within the jail, if there is a living quarters section in the building; if not, the Jailer or a Deputy Jailer must reside not more than 400 yards from the jail. A violation of KRS 71.020 shall constitute a misfeasance in office and the County Court may fine the Jailer or he may be indicted. (Sec B: KRS 71.990). (Sec A1.24).

County Jailer's Liability for Deputy Jailer: The Jailer is liable on his official bond for the conduct of his deputies. (Sec B: KRS 71.060).

For Property Belonging to Courthouse and Jail: The Jailer is required by statute to take charge of and carefully preserve all furniture, bedding and similar property belonging to the courthouse and jail. He shall be liable to the county on his official bond for the value of any such property lost or destroyed by reason of his negligence or fault. The county may enforce this liability by notice and motion in County Court. (Sec B: KRS 67.170).

For Condition of Facilities: See FACILITIES AND EQUIPMENT. (See also Sec A1.39).

LIABILITIES

For Neglect of Official Duties: The County Court may enforce the rules of the Jail and punish the Jailer by a fine for disobedience of the rules or for neglect of his official duties. (SecB: KRS 441.010).

For Violation of KRS 441.020: A violation of KRS 441.020 shall be deemed a misfeasance in office, and the county court may fine the Jailer or he may be indicted and fined at the discretion of a jury. (SecB· KRS 441.020; KRS 441.990).

For Failure to Accept Prisoner Transferred From Another County: For failure to accept and keep a prisoner transferred to his jail from another county upon order of the circuit Judge or County Judge,the Jailer and his sureties shall be liable (SecB KRS 441.040).

For Harm to any Person By Prisoner Who Escaped By Reason of Jailer's Voluntary or Negligent Act of Permitting the Escape: The Jailer and his sureties shall be liable, in an action upon his official bond, for the use of the parties aggrieved, in any damage resulting from the Jailer voluntarily or negligently permitting the escape of a prisoner in custody (SecB: KRS 440.040; KRS 440.050).

2. LIABILITIES OF DEPUTY COUNTY JAILER: Deputy Jailers shall have all the powers and be subject to the same penalties as the Jailer. (SecB: KRS 71.060).

3. LIABILITIES OF COUNTY JAIL MATRONS: Matrons will be subject to the same penalties as the Jailer insofar as the statutes apply to her duties and responsibilities.

LIBRARY

1. LIBRARY SERVICES: (Sec A1.9)

LODGING

1. RESPONSIBILITY OF JAILER: KRS 71.040 requires the Jailer to furnish prisoners with proper lodging. (SecB)

2. PAYMENT OF LODGING FOR PRISONER TRANSFERRED TO PENITENTIARY: If the prisoner is charged with a felony, the state bears the cost of lodging. (SecB: KRS 441.060).

If the prisoner is charged with a misdemeanor the fiscal court of the county having jurisdiction shall pay the Bureau of Corrections the fee provided by law to be allowed to a Jailer for keeping and boarding a prisoner (SecB: KRS 441.060).

LOG BOOK

1. USES OF LOG BOOK: (SecA1.2)

MAIL

1. SENDING AND RECEIVING MAIL: Rules and procedures for the sending and receiving of mail by prisoners should be included in the rules prescribed by the county court as directed in KRS 441.010 (SecB); (SecA1.25).

2. INSPECTION OF MAIL: KRS 526.050, of the Kentucky Penal Code, authorizes the opening of all incoming and outgoing mail of prisoners to inspect for contraband items. (Sec B) (Sec A1.25).

MATRONS

1. MATRONS IN COUNTY JAILS: Matrons are appointed by and serve at the pleasure of the Jailer (SecB: KRS 71.060(2)).

In Cities of the First Class, two Matrons will be appointed to serve in the County Jail to care for and have supervision over the female prisoners. (SecB: KRS 441.230).

2. DUTIES OF MATRONS IN COUNTY JAILS: See DUTIES.

3. QUALIFICATIONS OF MATRONS IN COUNTY JAILS: See QUALIFICATIONS-MATRONS.

4. LIABILITIES: Not specifically spelled out in statutes. (Sec A1.24).

5. COMPENSATION OF MATRONS: See COMPENSATION

6. NUMBER OF MATRONS: As set forth in statutes. (Sec B: KRS 64.345(a); KRS64.530(5); KRS 71.060(2); KRS 441.230) (See also A1.17).

7. ASSISTANT MATRONS IN COUNTY JAIL: May be appointed subject to KRS 64.345(5); KRS 64.530(5); KRS 71.060(2); KRS 441.230(SecB).

8. ASSISTANT MATRONS IN STATION HOUSES: Mayor of city of First Class may appoint two Assistant Matrons for each Station House he designates as place of confinement of female prisoners (SecB: KRS 441.240).

9. DUTIES OF ASSISTANT MATRONS: See DUTIES (Whether assigned to County Jail or to Station House).

10. QUALIFICATIONS: See QUALIFICATIONS-ASSISTANT MATRON.

11. LIABILITIES OF MATRONS AND ASSISTANT MATRONS: Not spelled out in statutes. (Sec A1.24).

12. COMPENSATION OF ASSISTANT MATRONS: See COMPENSATION

13. NUMBER OF ASSISTANT MATRONS: As set forth in statutes (Sec B: KRS 64.345(5); KRS 64.530(5); KRS 71.060(2); KRS 441.240).

MEDICAL CARE

1. STATUTORY PROVISIONS FOR MEDICAL CARE: The Jailer shall have the custody rule and charge of the jail and all persons in it; he shall keep the jail comfortably warm, and clean and free from naseous odors; he shall treat all prisoners humanely (SecB: KRS 71.020; KRS 71.030; KRS 71.040; KRS 211.920 through KRS 211.945). The Attorney General has given opinions as to the responsibility of the Jailer to get medical aid for sick prisoners and the control of medicine and medical supplies (SecC3: 1958-42,117; 68-344) (See Also Sec A1.37).

2. PHYSICIAN FOR JAIL IN COUNTIES OF 150,000 POPULATION OR MORE: To be appointed by and serve at the pleasure of the Jailer. (SecB: KRS 441.300). (Also See DUTIES).

3. PHYSICIAN FOR WORKHOUSE: Fiscal Court shall employ a physician to attend sick prisoners. (SecB: KRS 441.110).

4. STANDARDS: The Department For Human Resources is authorized by statutes to adopt standards, rules, and regulations relating to the public health or health aspects of the operation of state and local confinement facilities. (SecB: KRS 211.920 to KRS 211.945) (SecE2) (SecE3) (SecE4) (SecE5).

5. DAY RELEASE FOR MEDICAL TREATMENT: Misdemeanants may be granted this privilege by the sentencing court. (See SecB: KRS 439.17).

6. PAYMENT OF MEDICAL CARE: KRS 441.300 states that the salary of the physician for the jail in counties containing 150,000 population or more, shall be paid by the County; however, the County may require a city using the jail to pay its prorata part of the salary. (SecB).

Other than KRS 441.300 there are no statutes dealing with the question of who is obligated to pay for the medical treatment for pisoners. The Jailer would be well-advised to ask the County Court to include the matter of payment in the rules of the jail. The Attorney General has given opinions as to who is responsible for paying for medical treatment. (SecC3:66-7; 70-329).

MEDICAL CARE

7. SPECIAL PRISONERS: There are several types of medical and control problems presented of which the Jailer, Deputy Jailers, Matrons, and Assistant Matrons should be aware. A discussion of each is contained in Section A1.7.

Alcoholics
Mentally Ill
Diabetics
Drug Addicts
Epileptics
Sex Offenders

8. FIRST AID SERVICES: All jail staff should receive at least minimal training in first aid and emergency life saving techniques. Standard first aid supplies should be available at the jail and employees should have appropriate knowledge to use these supplies. (SecA1.37).

MENTALLY ILL PRISONERS

1. ADMISSION OF: See ADMISSION OF PRISONERS.

2. FACILITIES FOR: Separate confinement facilities shall be provided for mentally ill prisoners apart from other prisoners (SecE4).

3. BEHAVIOR WHICH MAY MEAN THE PRISONER IS MENTALLY ILL: (SecA1.7).

MILITARY PRISONERS

1. AUTHORITY FOR ADMISSION: Military prisoners may be confined in local jails designated by the Governor or Adjutant General for that purpose. (Sec B: KRS 35.055; KRS 35.285).

No Jailer shall refuse to receive or keep any military prisoner committed to his charge when the committing officer furnishes a statement signed by him of the offense charged against the prisoner. (SecB: kRS 35.055).

In letter of June 15, 1971, the Adjutant General stated that under KRS 35.055 all county jails are approved for housing military prisoners.

2. FEES: The County Jailer may be entitled payment for keeping and dieting military prisoners in jail as provided by KRS 64.150 (SecB: KRS 34.285) (SecC3:64-465).

3. REPORTING BY JAILER: Within 24 hours after receiving a military prisoner, the Jailer shall report to the prisoner's commanding officer the name of the prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment. (SecB: KRS 35.055).

4. TREATMENT OF: Any prisoner confined in a county jail on a military sentence shall be subject to the same discipline and treatment as persons committed by civil authorities. (SecB: KRS 35.285) However, he may be subjected to minor punishment during such period for infractions of discipline. (SecB: KRS 35.060).

5. WORK: The omission of the words "Hard Labor: in any courtmartial sentence shall not deprive the Jailer of requiring hard labor as a part of the punishment. (SecB: KRS 35.285).

6. RELEASE OF: The Jailer will determine from the sentence the period of time the prisoner is to be confined. When that time is up, the prisoner must be released. The Jailer needs no other order to release the prisoner. To hold the prisoner beyond that time is illegal.

MISDEMEANANTS

1. DAY OF RELEASE: (Sec B: KRS 439.179).
2. PAROLE OF: See PAROLE

OATH OF OFFICE

1. OF COUNTY JAILER: (SecCl:228);(SecB: KRS 71.010).

PAROLE

1. PAROLE OF MISDEMEANANTS IN CITIES OF THE 1ST,2ND, AND 3RD CLASS: The Police court may parole misdemeanants sentenced to thirty days or more by the police court. (SecB:KRS 439.177).

2. PAROLE OF MISDEMEANANTS IN CITIES OF THE 4TH,5TH AND 6TH CLASS: Misdemeanants sentenced by the police court or by any court other than in a city of the first three classes, may be paroled by the County Judge. (SecB: KRS 439.177).

3. CONDITIONS OF PAROLE FOR MISDEMEANANTS: The judge granting the parole may impose such conditions as he sees fit. These conditions will be contained in the order for parole. The parolee will also be subject to all reasonable rules and regulations of the Bureau of Corrections. (SecB: KRS 439.177).

4. SUPERVISION OF MISDEMEANANT PAROLEE: Parolees will be under the supervision of the Bureau of Corrections and subject to its decision for the duration of parole: (SecB: KRS 439.177).

5. DISCHARGE FROM PAROLE: Supervision of the parolee will stop if the parolee is recommitted to the jail as a parole violator, or a final discharge from parole is granted by the county or police judge, whichever has authority. (SecB: KRS 439.177 (6) (7)).

6. PAROLE VIOLATORS: See I.24 ADMISSION OF PRISONERS.

PENITENTIARY

1. TRANSFER OF PRISONER TO PENITENTIARY: May be ordered by Circuit Judge, with approval of the Governor. In the absence of the Circuit Judge, the County Judge may make this order (SecB: KRS 441.050).

2. BOARD OF PRISONER TRANSFERRED TO PENITENTIARY: If the prisoner is charged with a felony, the state will pay. If the prisoner is charged with a misdemeanor, the fiscal court shall pay the Bureau of Corrections the fees allowed a Jailer for keeping and boarding a prisoner. (SecB: KRS 441.060).

PERSONNEL

1. PERSONNEL MANAGEMENT: (SecA1.18)

2. JAIL PERSONNEL: See EMPLOYEES

PHYSICIAN

1. PHYSICIAN FOR JAIL IN COUNTIES OF 150,000 POPULATION OR MORE: To be appointed by and serve at the pleasure of the Jailer. To be paid a salary out of the county levy, in the amount fixed by the Jailer and approved by the Fiscal Court. (SecB:KRS 441.300).

2. PHYSICIAN FOR WORKHOUSE: The Fiscal Court shall employ a physician to attend sick prisoners in the Workhouse.(SecB: KRS 441.110).

POLICE COURT JUDGE

1. MAY GRANT PAROLE TO CERTAIN MISDEMEANANTS: See PAROLE (SecB: KRS 439.179).

2. MAY GRANT PROBATION: In any Court inferior to the Circuit Court, when the defendant is found guilty the Court may postpone entering the judgment and grant probation. (SecB: KRS 439.550).

POWERS

1. DISCIPLINARY POWERS OF JAILERS: See DISCIPLINE

2. APPOINTMENT POWER OF JAILER: Jailer has the authority to appoint Deputy Jailers, Matrons, Assistant Matrons, and other employees. (SecB: KRS 64.345; KRS 64.530; KRS 71.060; KRS 441.230). Also Jailer in County having a population of 150,000 or more may appoint a physician for the county jail. (SecB: KRS 441.300).

3. POWER TO DISMISS EMPLOYEES: Since all jail employees serve at the pleasure of the Jailer, he may dismiss them at any time. (SecB: KRS 71.060; KRS 441.300).

4. POWERS OF DEPUTY JAILERS: KRS 71.060 states that a Deputy Jailer has all the duties and powers of the Jailer. These duties and powers may be removed at any time by the Jailer. (SecB).

5. POWERS OF FISCAL COURT: See COUNTY JUDGE.

6. POWERS OF JAILER IN CITIES OF 2ND CLASS: The elected Jailer in a city of the 2ND class may appoint a Deputy Jailer. (SecB: KRS 441.320).

7. POWERS OF CITY JAILERS: The City Jailer may grant to any prisoner confined in the city jail one day off for each ten days sentence for which the prisoner is confined. (SecB: KRS 441.330).

8. POWERS OF ARREST: A peace officer may make an arrest in obedience to a warrant, or without a warrant when a felony or misdemeanor is committed in his presence or he has reasonable grounds to believe that the person being arrested has committed a felony (SecB: KRS 431.005). (The Jailer and Deputy Jailer are Peace Officers.)

PRISONERS

1. ADMISSION: See ADMISSION OF PRISONERS

2. WORKING OF: See WORK

3. RELEASE FROM JAIL:

FOR TRANSFER TO PENITENTIARY OR REFORMATORY: See PENITENTIARY.

FOR TRANSFER TO FACILITY WHICH MEETS THE RULES, REGULATIONS OR STANDARDS ESTABLISHED BY THE DEPARTMENT FOR HUMAN RESOURCES: An inmate of a confinement facility which does not meet the rules, regulations, or standards established by the Department For Human Resources, may seek transfer to a facility which does meet them, through appropriate legal action in court (SecB: KRS 211.940).

FOR TRANSFER TO WORKHOUSE: Upon order of the County Judge prisoners sentenced to hard labor may be released from the county Jail to the manager of a Workhouse or work crew. (SecB: KRS 441.160) (See Also SecC3: 63-60).

LAWFUL RELEASE BEFORE CONVICTION: Ordinarily, such a release will be by trial. However, release to another officer to take the prisoner before a Magistrate is legal. There should be an order of the Court to authorize the release. (SecA1.29) (See also SecC3:66-479).

LAWFUL RELEASE AFTER CONVICTION: The Court will give a copy of the judgment of conviction to the Jailer. The Jailer will determine how long the prisoner is to be held, whether he is sentenced to "Hard Labor" and if he is to be granted release privileges as provided in KRS 439.179. The Jailer needs no other order from the Court to release the prisoner when he has served his time. (SecA1.29) (C4;11.04) (SecC4:11.22) (SecC3: 66-479).

4. RELEASE OF MILITARY PRISONERS: The same rules here as for prisoners sentenced by civilian courts.

5. CITY PRISONERS IN COUNTY JAILS: Any city may use the Jail of the County in which the city is located by paying the Jailer fees allowed by KRS 64.150 for the type of service rendered (SecB: KRS 441.020).

PRISONERS

6. FEDERAL PRISONERS: The United States may use the Jail of any county by paying the Jailer fees allowed by KRS 64.150.(SecB: KRS 441.020).

7. MILITARY PRISONERS: See MILITARY PRISONERS.

8. MENTALLY ILL PRISONERS: See ADMISSION OF PRISONERS.

9. MISDEMEANANTS ON RELEASE PRIVILEGES: See COUNTY JUDGE-RELEASE PRIVILEGES.

10. RELEASE ON PROBATION: May be granted by any Circuit or County Judge within 60 days after prisoner delivered to jail or other institution. (SecB: KRS 439.265).

Probation may also be granted by any court inferior to the Circuit Court. (SecB: KRS 439.550).

11. JUVENILES: No child under 16 shall at any time be detained in any jail, except on a basis of a hearing before the Juvenile Court Judge. If detained, the child must be placed in a room or ward entirely separate from adult prisoners. (Sec B: KRS 208.120). (See also Sec A1.38 and Sec C3.74-752).

If a child under 16 is tried on felony charge in Circuit Court and convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail. The Court may, however, commit him to the Department of Human Resources, if under age 18 at sentencing (Sec B: KRS 200.180).

Whenever a child is taken to a station house of jail for which there is a matron or an assistant matron, and she is not present, the keeper of the institution shall immediately notify her of the child's arrival and detention. (Sec B: 441.280).

Section 3 (6) of the Bureau of Health Services regulations states that separate confinement facilities shall be provided for juvenile male and for juvenile female prisoners (Sec E4).

12. FEMALE PRISONERS:
Accomodations: KRS 441.230 states that the Jailer shall provide suitable accomodations for the matrons and female prisoners at the county jail and the expense is to be borne by the county. (Sec B).

Section 3 (6) of the Bureau of Health Services regulations states that separate confinement facilities shall be provided for adult female prisoners. (Sec E4).

PRISONERS

In cities of the 1st class, if there is a county jail, the mayor shall also designate the jail as a place for detention of female prisoners. (Sec B: KRS 441.220 (2)). In cities of the 1st class, the mayor shall designate one or more station houses for the detention of female prisoners. (Sec B: KRS 441.200(1)).

Supervision: KRS 441.260 requires that in Cities of the 1st Class a Matron or Assistant Matron shall be on duty at all times when one or more female prisoners are detained. (Sec B).

A Matron or Assistant Matron must be in charge when a female prisoner is brought to court. If a search of the female prisoner is required, it shall be done by or in the presence of the Matron or Assistant Matron. (Sec B: KRS 441.270).

Whenever a female is taken to a station house or jail for which there is a Matron or Assistant Matron, and she is not present, the keeper of the institution shall immediately notify her of the female's arrival and detention. (Sec B: KRS 441.280).

13. REPORT BY JAILER ON STATUS OF PRISONERS SENTENCED TO HARD LABOR: See WORK.

14. PAYMENT FOR PRISONERS ASSIGNED TO PUBLIC WORK: See WORK.

15. DEATH OF PRISONERS: KRS 71.040 states that the Jailer shall deliver prisoners who die in jail to their friends, if requested, or have them decently buried at the expense of the county. (Sec B).

16. LEGAL ASSISTANCE FOR PRISONERS: See LEGAL ASSISTANCE.

17. PRISONERS IN CITY OF FOURTH CLASS: Persons arrested for any bailable offense may be placed in the station house, county jail or city jail for safekeeping, until taken before the police court for examination. (Sec B: KRS 95.787).

18. PROTECTION OF PRISONERS: Any person having custody of a person charged with a public offense shall summon to his aid as many of the able-bodied male citizens of his county between the ages of 21 and 50 years as may be necessary for the protection of the person in his custody. (Sec B: KRS 432.510).

PROBATION

1. SHOCK PROBATION: Any county or circuit court may place a prisoner on shock probation not earlier than 30 days nor later than 60 days after his delivery to the institution. (SecB: KRS 439.265).

2. PROBATION BY INFERIOR COURT: Any court inferior to the circuit court may place a defendant on probation (SecB: KRS 439.550). Such probation must be with supervision (SecC3: 64-413).

3. PROBATION VIOLATORS: See ADMISSION OF PRISONERS.

PROPERTY

1. PROPERTY OF COUNTY: See COUNTY BUILDINGS
2. PROPERTY OF PRISONERS: (SecA1.2)
3. PROPERTY OF CITY JAIL: See CITIES

QUALIFICATIONS

1. COUNTY JAILER: At the time of his election a Jailer must be: (SecC1:100).

24 years old
A citizen of Kentucky
Resident of Kentucky for two years
Resident of county for one year

2. DEPUTY COUNTY JAILER: There are no statutes that refer to qualifications for a Deputy Jailer. The Deputy Jailer is also a Peace Officer; the qualifications for Peace Officer are given in KRS 61.300 (SecB).

The Jail Consultant Service, Bureau of Corrections, has established qualifications under the Deputy Jailer Subsidy Program. (SecE5).

3. MATRONS: KRS 71.060 (2) states that a Jailer may appoint a respectable woman to care for and have supervision over the female prisoners in the jail.

KRS 441.230, regarding cities of the 1st class, states that the Jailer shall appoint two respectable women to care for and have supervision over the female prisoners.

KRS 441.250 states that no person shall be appointed matron or assistant matron unless she is a woman of good moral reputation and character and has the educational ability to make out all necessary reports and to discharge her duties. (SecB: KRS 441.250).

4. ASSISTANT MATRONS: Same qualifications as for Matrons. (SecB: 441.250).

5. OTHER EMPLOYEES: None under statutes.

6. JAILER IN CITIES OF 2ND CLASS: KRS 441.320 states that the voters shall elect a city jailer who will be not less than 25 years old and a qualified voter in the city. (SecB).

7. DEPUTY JAILER IN CITIES OF 2ND CLASS: None prescribed by statute.

RECORDS

1. NEED FOR RECORDS: The fact that Jailers should keep proper records is implied in the statute regarding the property, persons and records he must turn over to his successor. (Sec B: KRS 71.100).

2. MODEL RECORDS: Proper records will insure that the Jailer collects all fees due him for his services, and can prove to be a valuable source of information should there be any later questions about any happening. A discussion of proper records keeping is in Section A of this book. (Sec A1.28).

RECREATION AND LEISURE TIME ACTIVITIES

1. AID IN MANAGEMENT: Recreation and leisure time activities will help to reduce tensions and minimize disciplinary, physical and mental health problems. (SecA1.10).

REFORMATORY

1. TRANSFER OF PRISONERS TO REFORMATORY: Same as for transfer to Penitentiary. See PENITENTIARY (Also, see SecB: KRS 441.050).

2. BOARD OF PRISONER TRANSFERRED TO REFORMATORY: Same as for prisoner transferred to Penitentiary. See PENITENTIARY. (Also, see SecB: KRS 441.060).

RELEASE OF PRISONERS

1. RELEASE FOR TRANSFER TO SECURE JAIL: See ADMISSION OF PRISONERS.

2. RELEASE FOR TRANSFER TO PENITENTIARY OR REFORMATORY: See PENITENTIARY.

3. RELEASE FOR TRANSFER TO WORKHOUSE: See PRISONERS.

4. RELEASE FOR TRANSFER TO FACILITY WHICH MEETS THE RULES OR STANDARDS ESTABLISHED BY DHR: See PRISONERS

5. LAWFUL RELEASE BEFORE CONVICTION: See PRISONERS (See also Sec A1.29).

6. LAWFUL RELEASE AFTER CONVICTION: See PRISONERS (See also Sec A1.29).

7. DEATH OF PRISONERS: See PRISONERS.

8. RELEASE ON PAROLE: See PAROLE.

9. DAY RELEASE: See WORK RELEASE.

10. EDUCATION: See EDUCATION.

11. MEDICAL CARE: See MEDICAL CARE.

12. MILITARY PRISONERS: See MILITARY PRISONERS.

13. DRUNKEN PRISONERS: See Sec C3: 67-196.

14. RELEASE PROCEDURES: Sound practice requires that procedures for releasing prisoners be established and put in writing for all personnel; KRS 441.010 states that County Judge shall prescribe rules for county jail. Jailer should make sure release procedures are in those rules. (Sec A1.29).

RELIGION

1. CHAPLAIN FOR JAIL IN COUNTIES CONTAINING CITY OF FIRST CLASS: The County Judge of each county containing a city of the 1st class shall appoint a regularly authorized minister of the gospel as Chaplain for the jail in the city. Appointee must be recommended by the ministerial association; if there is no such association, must be recommended by at least 10 regularly authorized ministers of the gospel dwelling in the city. (SecB: KRS 441.310). (See also DUTIES-CHAPLAIN).

2. RELIGIOUS SERVICES FOR THE JAIL: (SecA1.11).

REMOVAL FROM OFFICE

1. JAILER: See LIABILITIES.

2. DEPUTY JAILER: Serves at pleasure of Jailer and may be dismissed at any time. Deputy Jailer has the same powers and duties as the Jailer, thereby he has the same liabilities. (SecB: KRS 71.060).

3. MATRONS: Appointed by Jailer to serve at his pleasure. (SecB: KRS 71.060 and KRS 441.230).

4. OTHER EMPLOYEES: Appointed by Jailer to serve at his pleasure. (SecB: KRS 64.345 and KRS 64.530).

5. JAIL PHYSICIAN: Appointed by Jailer to serve at his pleasure. (SecB: KRS 441.300).

6. CHAPLAIN: Appointed by the County Judge to serve a 4 year term. Is subject to removal at any time by the County Judge for sufficient cause stated in writing. (SecB: KRS 441.310).

RESIDENCE

1. WHEN REQUIRED TO LIVE AT JAIL: The Jailer or a Deputy Jailer must reside at the jail if there is a living section in the building (SecB: KRS 71.020).

2. RENTAL FEE: If any employee other than the Jailer or a Deputy Jailer lives at the jail, the fiscal court may or may not charge a monthly rental fee. (SecC3:60-1279).

3. COUNTY OWNED RESIDENCE: If the county owns the house in which the Jailer or a Deputy Jailer lives, the county will pay the utilities (SecB: KRS 71.020).

4. SPECIAL REQUIREMENT ON LOCATION OF RESIDENCE: The Jailer or a Deputy Jailer must reside within 400 yards of the jail. (SecB: KRS 71.020)(SecA1.31).

RULES

1. RULES FOR THE JAIL: The county court shall prescribe rules for the government and cleanliness of the county jail and the comfort of prisoners. (SecB: KRS 441.010). (Also, see DISCIPLINE, and SecA1.6).

2. RULES OF DEPARTMENT FOR HUMAN RESOURCES: KRS 211.925 (1) states that the Department For Human Resources shall have the authority, power, and duty to adopt, modify, and repeal rules, regulations, and standards relating to the public health or health aspects of the operation of state and local confinement facilities and assist in the enforcement of all rules, regulations, and standards made under KRS 211.920 through 211.945 (SecE2;E3;E4).

3. RULES OF CRIMINAL PROCEDURE: For those R.Cr. applicable to the Jail and the Jailers duties refer to section C4 of this Manual.

SAFETY

1. STANDARDS (SecE4.7 and SecE5) (SecA1.27)

SALARY

1. SALARY OF JAILERS AND JAIL PERSONNEL: See COMPENSATION (Sec C1.235) (Sec B: KRS 64.150; 64.170; 64.345; 64.346; 64.350; 64.355; 64.527; 64.528; 64.530; 64.535).

2. SALARY OF MISDEMEANANT PRISONERS ON RELEASE PRIVILEGES FOR EMPLOYMENT: The County Judge is authorized by statute to handle and disburse such funds on monthly basis for certain purposes according to a stated priority, unless the sentencing Court or the County Judge orders otherwise. (Sec B: KRS 439.179 (4)(5).

SANITATION

1. RESPONSIBILITY OF COUNTY COURT: The County Court shall prescribe rules for the government and cleanliness of the County Jail. (SecB: 441.010).

2. RESPONSIBILITY OF JAILER: The Jailer must keep the jail clean and warm. (SecBL KRS 71.030).

3. RESPONSIBILITY OF DEPARTMENT FOR HUMAN RESOURCES: The Department is required to make rules, regulations and standards relating to the public health or health aspects of the operation of state and local confinement facilities, and assist in their enforcement. (SecB: KRS 211.920 through KRS 211.945).

4. SANITARY FACILITIES AND CONTROLS: Refer to Section E4 in this Manual for regulations of Bureau For Health Services, Department For Human Resources regarding the following:

Water Supply
Sewage Disposal
Plumbing
Storage of Garbage
Storage of Rubbish
Commodes
Lavatories
Showers

5. PROCEDURES: Refer to Section A1:32 in this Manual for discussion of Sanitation Procedures.

SHERIFF

1. CONSOLIDATION OF SHERIFF AND JAILER OFFICES: See CONSOLIDATION.

2. CONDITIONS UNDER WHICH SHERIFF TO ACT AS JAILER: If the County Jailer is legally committed to jail, or if for any cause the Office of Jailer becomes vacant, the Sheriff shall perform all the duties of Jailer until the Jailer is legally discharged from jail, or until a qualified successor to the Jailer is elected or appointed and qualified. (SecB: KRS 71.090).

SICK CALL

1. STANDARDS AND SCHEDULE: Refer to Section E3:2 (9) in this Manual regarding Department For Human Resources regulations regarding sick call.

Also, refer to Section E2 in this Manual regarding standards for Dental Services in Correctional Facilities set by the Department For Human Resources.

STATION HOUSE

1. DEFINITION OF STATION HOUSE: Any place other than the county jail where persons are temporarily under arrest (SecB: KRS 441.210).

2. ASSISTANT MATRONS IN STATION HOUSE: See MATRONS.

TRAINING

1. BUREAU OF TRAINING: Refer to SecD7 in this Manual for training available to Jailers and jail personnel by the Bureau of Training.

2. DEPUTY JAILERS SUBSIDY PROGRAM: Refer to SecE5 of this Manual for training available to Deputy Jailers under the Deputy Jailers Subsidy Program administered by the Jail Consultant Service, Division of Community Services, Bureau of Corrections.

TREATMENT

1. STATUTORY OBLIGATIONS OF COUNTY JUDGE: The fiscal court may secure a sufficient jail. (SecB: KRS 67.080) (Sec A1.5)

2. OBLIGATIONS OF JAILER: The Jailer is in charge of the jail and all of the prisoners in it. He must keep the jail warm, and clean and free from nauseous odors. He must treat all prisoners humanely and furnish them proper food and lodging. (SecB: KRS 71.020; KRS 71.030; KRS 71.040) (SecA1.5).

3. MEDICAL CARE: See MEDICAL CARE

4. EDUCATION: See EDUCATION

VISITING

1. VISITING RULES: Visiting shall be allowed and conducted under rules approved by the County Court. (SecB: KRS 441.010). (SecE4.14). (Also, Sec A1.33 for discussion of visiting rules and procedures).

VISITING BOARD

1. JAIL VISITING BOARD IN CITIES OF FIRST CLASS: In each city of the first class there shall be a board of women to be known as the Jail Visiting Board. Members shall be one representative each from the Home for Friendless Women, Flower Mission, Free Kindergarten Association, Humane Society, Associated Charities, The Woman's Club of Louisville,Kentucky Children's Home Society, District Women's Christian Temperance Union of Louisville, and Women's Christian Association. Mayor shall appoint a representative for any organization which does not make an appointment.

Board is to visit and inspect monthly the portion of the county jail and station houses set apart for female prisoners.

Annually, or as often as it may determine, the Visiting Board shall submit reports to the Jailer and the Mayor about conditions affecting women prisoners. (SecB: KRS 441.290).

VOLUNTEERS

1. VOLUNTEERING FOR HARD LABOR: According to an opinion by the Attorney General there is no authorization for prisoners to volunteer for hard labor. (SecC3: 70-545)

2. VOLUNTEERS IN JAIL PROGRAMS: (SecA1.34).

WORK

1. COUNTY JAIL PRISONERS WHO MAY BE ASSIGNED TO WORK: The judgment of the sentencing Court must say Hard Labor. If it does not, the prisoner cannot be worked. (SecA1.12) (SecB:KRS 431.140)(SecC3:66-479).

2. WORKHOUSE PRISONERS WHO MAY BE ASSIGNED TO WORK: Only prisoners sentenced to Hard Labor may be assigned to work. The County Court may make regulations for the government of the Workhouse and of prisoners sentenced to hard labor and those in charge of them. The Court shall also set the number of hours the prisoners shall work, and how they shall be secured while at work and at other times, and where they may be placed to work. (SecB: KRS 441.120)(KRS 441.140) (SecC3:63-60)(Sec A1.12).

3. PAYMENT FOR PRISONER COSTS: The County shall pay from County funds the cost of feeding, lodging and guarding prisoners assigned to public work. (SecB: KRS 441.130).

4. REPORT BY JAILER ON STATUS OF PRISONERS SENTENCED TO HARD LABOR: The Jailer shall report once each month to the County Court on the disposition made of prisoners assigned to hard labor. (SecB:KRS 441.200).

5. EMPLOYMENT OF PRISONERS: (SecA1.12).

WORKHOUSE

1. ESTABLISHMENT OF WORKHOUSE: The fiscal court may establish a workhouse and designate where prisoners may be placed at work, and make rules and regulations about governing the Workhouse and the hours prisoners may be worked (SecB: KRS 441.070; KRS 441.120; KRS 441.130).

2. JOINT OPERATION OF WORKHOUSE: The fiscal courts of two or more counties may contract to construct, manage, and use a workhouse. (SecB: KRS 441.080).

A fiscal court and the legislative body of a city in the county may contract to jointly use a Workhouse, whether owned by the county, by the city, or by both. (SecB: KRS 441.080).

3. MANAGER OF WORKHOUSE: KRS 441.090 contains full information on the appointment, responsibilities, and duties of the Manager of a Workhouse. (SecB).

4. LEASING OUT WORKHOUSE: KRS 441.100 contains full information as to the length of the lease which the fiscal court may make, and the rights, responsibilities, and duties of the lessee. (SecB).

5. PHYSICIAN FOR WORKHOUSE: See PHYSICIAN

6. PAYMENT OF COSTS OF KEEPING PRISONERS ASSIGNED TO WORK: When prisoners are committed to the Workhouse by order of the County Judge, they shall be fed and lodged according to KRS 441.090 (SecB: KRS 441.130).

When prisoners work on city public work, the city shall provide and pay for the food and lodging and the cost of guarding the prisoners (SecB: KRS 441.130).

When prisoners work on county roads the county shall pay. (SecB: KRS 411.130).

7. PROCEDURE FOR TRANSFERRING PRISONERS TO WORKHOUSE: The County Judge may order such a transfer (SecB: KRS 441.160) (SecC3:63-60)

8. PROCEDURE FOR TRANSFERRING PRISONERS FROM WORKHOUSE TO JAIL: The County Judge may order this (SecB: KRS 441.160)

WORKHOUSE

9. OTHER PLACES PRISONERS MAY BE KEPT: In order that prisoners may be safely and comfortably kept and housed at night near the place where they are working, the County Court may rent suitable buildings, or the prisoners may be kept in camps, or otherwise. (SecB: KRS 441.130)

10. WORKHOUSE OR PENAL FARM IN COUNTY CONTAINING CITY OF FIRST CLASS: Details on how either a workhouse or a Penal Farm may be established; the qualifications and appointment of a Superintendent; and who pays costs is contained in SecB: KRS 441.205.

11. PERSONS ADMITTED DIRECTLY TO WORKHOUSE: An Officer arresting a person upon a Capias Pro Fine or similar writ. which fine and costs may be worked out at hard labor if not satisfied, may deliver the prisoner to a manager of a workhouse or manager of a work crew, and the manager shall receive the prisoner in the manner that jailers are authorized to do. (Sec.B: KRS 441.170).

WORK RELEASE

1. STATUTORY AUTHORITY FOR RELEASE PRIVILEGES: See COUNTY JUDGE.

2. PETITION FOR WORK RELEASE: See COUNTY JUDGE.

3. PRISONER ON WORK RELEASE MUST PAY COST OF HIS BOARD IN JAIL: Prisoner must pay the amount established by law. Should he default, his Work Release privilege is automatically forfeited. (SecB: KRS 439.179(4).

If prisoner on Work Release is confined for violation of by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the board he pays will go to the city treasury through the fiscal court. (SecB: KRS 439.179(4).)

If Prisoner is confined for contempt, the board he pays will go to the state treasury through the Fiscal Court. (SecB: KRS 439.179(4).)

4. WAGES OF WORK RELEASE: By Wage assignment, the wages or salary of a Work Releasee shall be turned over to the Fiscal Court. The Fiscal Court will deposit the money in a trust checking account and keep a ledger showing the status of each Work Releasee's account (SecB: KRS 439.179(3)).

Wages or salary of Work Releasees are not subject to garnishment of either the employer or the Fiscal Court during the prisoner's term, and shall be disbursed only as provided by statute (SecB: KRS 439.179(3)).

For tax purposes, all wages and salary are the income of the prisoner. (SecB: KRS 439.179(3)).

The Fiscal Court may direct that its function may be performed by any bonded county official (SecB: KRS 439.179(7)).

5. DISBURSEMENT OF WORK RELEASEE WAGES: Unless the sentencing court or the County Judge orders otherwise, the wages or salaries of work release prisoners shall be disbursed by the Fiscal Court on a monthly basis for the following purposes, and in the following order (SecB: KRS 439.177(5)).

a. Board of the prisoner.
b. Support of prisoner's dependents, if any.
c. Payment in full or ratably of prisoner's obligations acknowledged by him in writing or which have been reduced to judgment.
d. Balance to prisoner at release. The Fiscal Court may direct that its function may be performed by any bonded county official (Sec B: 439.179(7).

WORK RELEASE

6. TRANSPORTATION OF WORK RELEASEES: The Fiscal Court may, by ordinance, provide that the county furnish or pay for prisoner transportation to and from the place of employment (SecB: 439.179(4)).

7. JAILER'S DUTIES IN WORK RELEASE: The Jailer shall notify the Department For Human Resources which shall endeavor to secure a job for unemployed prisoners approved for work release: (SecB: KRS 439.179(3)).

8. JAILER'S FEES: Nothing in KRS 439.179 shall be construed to affect KRS 64.150 which provides for the payment of fees to the Jailer. (SecB: KRS 439.179(10)).

9. DISCIPLINE OF WORK RELEASEES: The Jailer may refuse to permit a prisoner to exercise his right to leave the jail for any release privileges granted to him, for any breach of discipline or other violation of jail regulations for a period not to exceed 5 days. (SecB: KRS 439.179(9)).

SECTION A

Discussions

SECTION A1
Discussion
on
Jail
Management and Operations
Topics

SECTION A1

A1.1 Hearing Before a Magistrate A-5

A1.2 Admission Procedures A-8

A1.3 Classification of Prisoners A-19

A1.4 Procedure Regarding Prisoner Returned From Bureau of Corrections Institution for New Trial or on Appeal Bond Hearing A-27

A1.5 Statutory Obligations of Fiscal Court Regarding County Jail . . . A-28

A1.6 Standards of Conduct A-29

A1.7 Special Prisoners A-39

A1.8 Educational Services A-47

A1.9 Library Services A-49

A1.10 Recreation and Leisure Time Activities . . . A-51

A1.11 Religious Services A-52

A1.12 Work and Work Release A-53

A1.13 Escapes A-57

A1.14 Riots A-62

A1.15 Fire A-70

A1.16 Civil Emergencies A-71

A1.17 Employees A-73

A1.18 Personnel Management A-75

A1.19 Food Service A-81

A1.20 Forthwith, Definition of A-84

A1.21 Inspections A-85

A1.22 Rules A-87

A1.23 Legal Rights of and Legal Assistance for Prisoners A-91

A1.24 Liabilities A-97

SECTION A1

A1.25 Mail Privileges A-103
A1.26 Powers of Jailer A-105
A1.27 Safety A-106
A1.28 Records A-109
A1.29 Release Procedures A-116
A1.30 Renovation A-122
A1.31 Residence A-123
A1.32 Sanitation A-124
A1.33 Visiting A-125
A1.34 Volunteers A-127
A1.35 Water A-129
A1.36 Physical Force, Use of A-130
A1.37 Medical Care A-131
A1.38 Juveniles A-142
A1.39 Facilities A-144

Section A1

Discussions on Jail Management and Operations Topics

A1.1 Hearing Before a Magistrate. The Court of Appeals and the Rules of Criminal Procedure set a limit upon the period of time a person may be held without being taken before a Magistrate for a hearing. (Sec C4:3.02).

While the Jailer has the duty to receive persons lawfully committed to him by the arresting officer, he may be liable for false imprisonment if certain procedures are not followed. These procedures are contained in the Rules of Criminal Procedure. Those about jail prisoners are in Section C3 of this Manual. Rule 3.02 covers arrest with or without a warrant.

Whether arrest is on a warrant or without one, the arresting officer must take the arrested person before a Magistrate without unnecessary delay.

The Magistrate makes the decision to either admit the arrested person to bail or commit him to jail. If he is sent to jail, the Jailer will have an official order of commitment from the court on which to confine the prisoner.

There are times when the arresting officer will bring the arrested person directly to the jail. In such instances the Jailer's problem is to determine how long to confine the prisoner before taking him before a Magistrate. In other words, what is "without unnecessary delay"?

The old Criminal Code stated that an arrested person must "be carried forthwith before the most convenient Magistrate". In the present Rules of Criminal Procedure, the word forthwith has been changed to "without unnecessary delay".

The Kentucky Court of Appeals, in Rosenburg v Bax Ky 2.58 S. W. 2d 458 (1953) interpreted forthwith as follows:

> "........that the term "forthwith" does not necessarily mean immediately, but within such time as is reasonably requisite, and what is a reasonable time is to be determined from the facts of the particular case."

While the above can be accepted as a guide in determining what "without unnecessary delay" means, it is important to the Jailer to keep in mind that there is no set time limit a person may be held that is beyond a necessary delay. The Court will consider the facts and circumstances of each case to determine if the Jailer violated the rules and is liable for damages.

The Attorney General has stated that what is a reasonable time must depend upon the facts and circumstances of each case. When a person is arrested for a minor traffic violation, punishable by fine only, it is unreasonable to place him in jail for any length of time whatsoever, unless upon being given an opportunity to make bail he is unable to do so. (Sec C3:64-11).

The Attorney General has also stated that it is probable that the courts would consider it reasonable to jail a person arrested in the late hours of the night or the wee hours of the morning until a Magistrate could be obtained at a reasonable hour in the morning. Detention for longer than overnight does not appear justified without a written commitment. (Sec C3:65-317).

Regarding the Jailers responsibility to take an arrested person before the Court the next morning, the Attorney General has said that regardless of whether or not the arresting officer calls for the prisoner fairly promptly, the Jailer should make sure the prisoner is taken before a Magistrate. (Sec C3:62-765; 64-205) (See also A1.2; A1.20).

In Pepper v. Mayes 81 Ky 673 (1884), an intoxicated person was arrested and brought before a Magistrate at 11 p.m. Saturday night, but was not tried and was confined in jail until Monday morning. Although in this case the man was taken before a Magistrate, the Court ruling applies to confinement without court order. The Court held:

> The law does not require a judicial officer to hold his court at all hours of the night or day; nor does it require that he shall do violence to his conscience by holding an examining court on the Sabbath...Nor does the law require or permit such an officer to try one who is temporarily incapacitated by drink to attend to or understand the charge preferred against him. Certainly the justice would not have been justified in turning the (prisoner) loose upon the community...If (the prisoner) had been carried before the justice... in the state of intoxication that he was when sent to jail, it would have been the duty of the magistrate to have sent him to jail till he was sober.

In Commonwealth v. Mayhers 297 Ky 172.178 S. W. 2d 931 (1943), the Court outlined the procedure of commitment when it held:

> It is ordinarily the duty of an officer after making

> an arrest, either with or without a warrant, to take the prisoner, within a reasonable time, before a justice of the peace, magistrate, or other proper judicial officer having jurisdiction, in order that he may be examined and held, or dealt with as the case requires. It is sometimes said that this must be done immediately, or forthwith, or without delay. These requirements are construed to mean no more than that this duty must be performed with all the dispatch and promptness possible under the circumstances. Accordingly, an officer may detain a person arrested in custody for a reasonable time until he can conveniently and safely take him before a magistrate, if the circumstances are such as to preclude an immediate examination, hearing or trial, as where the arrest was made at night or on Sunday, where the court was not in session, when the prisoner himself occasions the delay, as where he is drunk, or where the arresting officer is unable to find a judicial officer.

In Garvin v. Muir Ky 306 S. W. 2d 256 (1957), in an action against the Jailer of Jefferson County for false imprisonment, Garvin was held in jail for 25 days through an error made by a Deputy, the Court found the Jailer liable for holding Garvin without an order of the Court.

In Goins v. Hudson 246 Ky 517.55 S.W. 2d 388 (1932), Goins was held by Judson, the Jailer, from 2:30 p.m. until 6 p.m. without taking him before a magistrate. In this case, the Jailer had arrested Goins for drunkenness and confined him.

> The uncontradicted evidence discloses that the police judge was in his office during a large portion of the time that Goins was detained in jail, and no effort was made to take Goins before him. In view of this long detention, there can be no doubt that Hudson was liable....

In both of these cases, the Court ruled the prisoner had been held beyond the necessary delay provision in R. Cr. 3.02.

It cannot be stressed too strongly that there is no set rule for "unnecessary delay". In the first case just cited, the Jailer was held liable after he confined a prisoner for 25 days. In the second case cited, the Jailer was held liable after he held the prisoner three hours. The Court will look at each case and decide from the facts and circumstances whether the prisoner was held beyond a reasonable time.

A1.2 Admission Procedures: A basic duty of the Jailer is to confine prisoners whether commited to his custody and control by a Court order or given over to his custody by an arresting officer.

There are two kinds of confinement:
Confinement without a Court order.
Confinement with a Court order.

Within both these kinds of confinement the Jailers has certain duties imposed upon him by statute and by rules of law.

The statutes referred to are:
KRS 71.020 Custody of Jail
KRS 71.040 Treatment of Prisoners
KRS 71.050 Officer of the Court

These three statutes are the statutory authority under which the Jailer is legally bound to accept and confine prisoners, whether the prisoner is committed by an arresting officer or under a Court order.

Confinement without an arrest order or without a Court order is not a true confinement. It is an act of holding wherein an arresting officer places a prisoner in the Jailer's custody until a Magistrate can hold a hearing or otherwise decide what to do with the prisoner. The best example of this is the person arrested for drunkenness late at night, or late on Saturday night or early Sunday morning, or a person arrested and brought to the jail on a holiday when all other county offices are normally closed. A prisoner brought to the jail under any of these circumstances probably has not been before a Magistrate, therefore the arresting officer will not have a warrant or an order of commitment.

When the foregoing happens, the Jailer's problem is to determine how long the prisoner may be confined before being taken before a Magistrate. In this connection, reference is made to Sec A1.1 of this Manual for a full discussion of the Jailers responsibilities and liabilities for insuring that a prisoner is taken for a hearing by a Magistrate. (Sec A1.1) (See also Sec. A1.20).

The Attorney General was asked whether a Fiscal Court could order the Jailer not to confine a person not committed by a Court order. Basing his opinion upon KRS 71.040, the Attorney General said the fiscal court had no authority to suspend or relieve a jailer from the duties imposed upon him by statute, and that it is permissible under certain circumstances to lodge the arrested person in jail for a short time until a magistrate can be found. (Sec C3:62-765).

The Jailer, or the Deputy Jailer on duty is responsible for the legal admission of all prisoners brought to the jail. He must be able to determine whether or not the confinement orders and commitment papers are legal. To do this he must know what a valid charge is. To assist himself in this the Jailer might want to keep a list of valid charges. Such a list should be readily at hand for reference. Care in admitting prisoners to jail will keep the possibilities of a civil suit at a minimum.

The identity of the person bringing a prisoner to the jail should be known or verified. Prisoners in transit may be brought in by police or federal marshals. All these persons should be required to furnish proof of identity and to show papers that give them legal custody of the prisoner.

It is particularly important that the Jailer and Deputy Jailers know the laws of Kentucky regarding the confinement of juveniles, females, and mentally ill persons. All of the statutes concerning these and other groupings of prisoners are discussed hereafter in this Section, and the full text of each statute is in Section B of this Manual.

The Rules of Criminal Procedure prescribe the methods by which a Court may commit a person to jail.

R Cr 3.18 states that if the defendant is committed to jail, the magistrate shall make out a written order of commitment, signed by him, which shall be delivered to the Jailer. The amount of bail, if the offense is bailable, must be entered upon the order given to the Jailer. The bail shall be taken by the Clerk of the Court in which the defendant is to appear.

R Cr 11.22 sets out the provisions of commitment to confinement if the prisoner is committed to jail under a judgment of the Court. Under this rule, if the final judgment imposes a sentence of confinement in the county jail or other institution, two certified copies shall be furnished to the sheriff who shall execute the sentence by delivering the defendant and a certified copy of the judgment to the jailer. The copy of the judgment of conviction contains the sentence and the same provisions as an order of commitment.

R Cr 11.04 says a judgment of conviction shall set forth the plea, the verdict of findings, the adjudication and sentence, a statement as to whether the defendant is entitled to bail and the amount of bail. It shall also state whether two sentences are to be served concurrently or consecutively. Either order is notice that the Jailer must confine the prisoner and hold him in custody until lawfully discharged.

In Glenn v. Porter 292 Ky 719, 168 S.W. 2d 32 (1943) the jailer refused to release a prisoner when he still held a valid judgment of conviction. The Court held the County Judge had no authority to order the prisoner released:

> A warrant of commitment or a capias (writ of arrest) depends for its validity on the judgment on which it is based and a prisoner is detained, not by virtue of the commitment or capias but by virtue of the judgment ...a jailer shows proper authority for the detention of a prisoner when he exhibits a copy of an unsatisfied judgment under which the prisoner is held.

Since Kentucky does not have a statute that requires a Jailer to have an order of commitment to show legal authority for holding a person, the Jailer gets his authority from the copy of the judgment he receives when the prisoner is given into his custody by the Court.

If the person has been before a Magistrate and the Magistrate commits the prisoner to jail, the Rules of Criminal Procedure provide that the Magistrate shall give to the Jailer an order of commitment. This is the Jailer's legal authority to hold the prisoner. If the prisoner has had a trial and is committed to jail, the judgment of conviction is the Jailer's legal authority for confining the prisoner. If the Jailer has either of these two orders, then he is under a statutory duty to confine the prisoner and not release him until lawfully discharged.

The Court said in Garvin v. Muir, Ky 306 S.W. 2d 256 (1957):

> A Jailer has custody of the prisoner in the jail (KRS 71.020), and unless a jailer has legal authority in the form of a written mittimus or an order of a court, he is liable for false imprisonment in holding a person in jail beyond a reasonable time for procuring such authority.

In Commonwealth v. Smith 274 Ky 202, 118 S.W. 2d 538 (1938), a prisoner was convicted and given a sentence of ten days in jail. The prisoner appealed the judgment and remained free. Later he turned himself in to the jailer and was lodged in jail for three days. The Court ruled that since the clerk had not issued an execution of judgment the prisoner had not satisfied the sentence and that the jailer had no authority to hold without this written order.

KRS 71.040 is the primary statute under which the Jailer confines a person. It states in part: "The jailer shall receive and keep in the jail all persons who are lawfully committed thereto, until they are lawfully discharged...".

There are two other statutes by which a legal obligation is placed upon a Jailer to receive and keep persons lawfully committed to the jail until they are lawfully discharged. KRS 71.020 states that the Jailer shall have the custody, rule and charge of all persons in the jail and that he shall keep them himself or a Deputy Jailer(s) shall keep them. KRS 71.050 states that the Jailer is an officer of the Court in his county and of the Circuit Court. An officer of the Court is subject to the Court's orders.

KRS 202.027, Sec. A1.7 and Sec C 72-429 concern the admission of a mentally ill person to the county jail.

Futher, KRS 208.120 says that no child under sixteen shall at any time be detained in any jail, except on a basis of a hearing for that purpose, by the Juvenile Court Judge, a child whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facility for children, may be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adult prisoners. (See also Sec E 4 regarding Department For Human Resources regulations on confinement facilities for juveniles).

KRS 208.180(2) states that if a child is tried on a felony charge in Circuit Court and convicted of a misdemeanor and sentenced to imprisonment, he shall be committed to the county jail, except the Court may commit him to the Department For Human Resources for an indeterminate period not to exceed the age of twenty-one (21) years.

KRS 441.020 says that the County Jailer must accept federal prisoners from any county, and prisoners committed by cities within the county, and confine them until lawfully discharged.

KRS 441.030 concerns the transfer of prisoners from one county jail to another. The receiving Jailer must accept the prisoner on the basis of an order by the Circuit Judge or the County Judge of the sending county.

KRS 440.260 concerns extradition and the duty of a Jailer to receive persons under extradition, provided that the officer having custody of the prisoner show satisfactory written evidence that he has the authority of custody.

Definite procedures for the admission of prisoners should be estabilished, printed, and made available to all jail personnel, the local police, the county sheriff, and to the courts of the city and county in which the jail is located. Once these procedures are set forth, the Jailer must check often to make sure that they are being carried out properly. There should be a system for making changes which may become necessary, but at all times the Jailer should be the only authority for such changes, in cooperation with the County Court.

There is much valuable information on admission procedures in the following publications:

Book 2, Jail Operations, Jail Operations Training Course, published by the U.S. Bureau of Prisons.

Book 1, Administration of Jail Operations. Jail Management Training Course, published by the U.S. Bureau of Prisons.

The National Sheriffs' Association 1974 handbooks:
Sanitation in the Jail
Jail Security, Classification and Discipline
Jail Administration

The written Admission Procedures should provide clear instructions on the following:

Determination that the commitment is legal. This means that the admitting officer must be able to identify the committing officer and decide whether the papers are in order. Whatever form of commitment paper is used it must contain the name of the prisoner and the charge against him. If the prisoner has not been before a Magistrate, the admitting officer must insure that this will be done at the earliest opportunity (Refer to Sec Al.1 regarding Hearing Before a Magistrate).

Pages 23 and 25 of Book 2, Jail Operations, Jail Operations Training Program, contain a chart on the general requirements for admitting a prisoner by different types of committing authority and types of commitments. It also has a section in which the Jailer can write in any additional or different requirements in his locality for admitting prisoners. The chart is reproduced at the end of this discussion for the convenience of the users of this Manual.

Inventory and Disposition of Personal Property: At the time of booking all personal property should be taken from the prisoner and listed item by item on an inventory form, and the prisoner given a receipt. All items should be carefully and completely described. Since most jails require the storage of items such as wallets, watches, keys, pens, etc., an envelope can be used. On the front of the envelope could be printed a form which has enough space to record the items.

Special care must be taken in describing the items so that there can be no doubt in identifying them later. For example, a wristwatch should be described as to the color of metal rather than by stating yellow gold. In such a case the description should be: yellow metal.

The book referred to earlier in this discussion has some valuable advice, based on the experiences of many jail personnel, about property description and disposition.

Most jail personnel prefer that prisoners not be permitted to keep coins or paper money in their possession. This is believed to be a sound practice. The prisoner should be provided with a separate receipt for his money. All money should be counted in the presence of the prisoner and he sould sign the receipt.

Bathing and grooming: Every prisoner should be given a bath upon admission. While bathing he should be permitted to maintain his privacy and dignity by bathing alone if this is at all possible. Forcing a person to cut his long hair or to shave his beard is often required. The Jailer must keep in mind that an unsentenced prisoner is a citizen with the same rights as any other citizen and has the right to determine the kind of hair style he will wear. Needless to say, the hair of female prisoners is not cut although it may be longer than that of the men.

A few years ago a Western sheriff was sued successfully by two prisoners who had their hair cut when admitted to the jail. The judge ruled that the sheriff had violated their civil rights.

Search: All prisoners entering the jail are potential carriers of contraband or disease. A thorough examination-search is the only method of insuring security and safety. All jail personnel who are responsible for admitting prisoners should know how to search a prisoner and his clothing. It is the responsibility of the Jailers to instruct personnel in proper examination-search procedures. The book previously mentioned has illustrations and commentary on the techniques of body search and examination.

Naturally, all admission procedures for women should be completely separate from that for men and should be conducted by female staff members.

Most prisoners, like most people elsewhere, dislike being touched. The search therefore requires expertise and a proper attitude on the part of the searcher toward the search and the prisoner. Search should be considered a critical time; the close personal contact during a search increases the danger of an attack on the searcher.

Before beginning the search the Jailer should quietly and simply explain what he is about to do and tell the prisoner that he will not be touched any more than is necessary. The search should be made slowly. The searcher should concentrate on the search and not be engaging in conversation with other persons. It is a good practice to allow a little time for the prisoner to cool off from arrest and admission to the jail before searching him. By doing the booking and the inventory of personal property slowly, the prisoner may have had time to cool off.

Medical Examination: The admitting officer is responsible for deciding whether a prisoner should be admitted if his physical condition is questionable. The written admission procedures of the jail should spell out specifically those situations in which it is permitted to refuse to accept a prisoner. Prisoners who are obviously injured and in need of medical attention should be taken for such care by the arresting or committing officer. The same is true for prisoners who are unconscious. In any of these situations there is no problem if medical care is available in the jail. If it is not, the admitting officer should keep clearly in mind that once the jail has admitted the prisoner, the jail is responsible thereafter for his welfare.

Rules and regulations established by the Department for Human Resources under authority of the Confinement Facilities Health Act of 1974, state that jail prisoners shall undergo a medical inspection within 24 hours after admission. The medical inspection may be done by the Jailer during the booking process. Medical inspections for female prisoners shall be done by the Matron. The purpose of the inspection is to identify those illnesses and/or disabilities which could medically endanger the prisoner or other members of the jail.

The medical inspection must be accomplished before the prisoner has any significant contact with prisoners or others.

The regulations of the Department For Human Resources can be found in Sections E2, E3, and E4 of this Manual, and should become a part of the written admission procedures in all Kentucky jails, both county and city.

Note should also be made that the Department For Human Resources regulations require that prisoners to be confined for 14 days or longer shall have a complete history and physical examination.

Examination for Lice: The regulations mentioned also state that each prisoner shall be deloused on admission if indicated. During the examination-search of the prisoner, the admitting officer should pay particular attention for signs of lice. Lice can be seen as they move about on the human body. These, and other bloodsucking insects, commonly infest the scalp and pubic region. If louse infestation is discovered, the prisoner should be isolated and given treatment as directed by a physician. Lice can transmit serious disease; they move readily from person to person, and are transmitted through skin-to-skin contact, wearing infested clothing, sleeping on infested beds, and using infested combs or hats.

Identification: All new prisoners should be fingerprinted and photographed. Copies of the fingerprints sent to the FBI in Washington will determine if the prisoner is wanted elsewhere and will list his previous criminal history. This can be valuable in determining a prisoner's security classification.

Poloraid cameras can be used in small jails where it is not possible to have a regular camera and the necessary equipment for developing, enlarging, and printing.

Personal History: Some personal information about the prisoner is necessary for the record for identification purposes and so that relatives can be notified in case of emergency. Basic information includes the charge, the prisoner's age, sex, race, home address, medical background, marital status, and any information about his employment. The name of the prisoner's attorney should be listed if he has one, or recorded as soon as it is known.

Booking officers should ask no questions of the prisoner that could be interpreted as leading or pertaining specifically to the crime allegedly committed by the prisoner.

Jail Clothing: Inexpensive T-shirt and washable trousers should be provided. The use of jail clothing helps to prevent the introduction of contraband, aids in the control of vermin, and eliminates the possibility of bartering, stealing, or gambling with clothing. Such clothing is easy to launder, whereas clothing prisoners wear in may require dry cleaning and pressing. Also, an inmate dressed in jail clothing cannot easily pose as a workman or visitor and leave the jail unrecognized.

Housing Assignments: If the jail facilities permit, consideration should be given to housing separately violent, youthful, elderly or infirm, or mentally ill prisoners. When it is possible to do so, all new prisoners should be placed in the most secure quarters. This reduces the possibilities of error in housing assignments.

On completion of the admission procedures the prisoner should be given clean bedding, towel, and other necessary items such as toothbrush, toothpaste, comb, handkerchief, etc. Also he should be given a copy of the jail rules (Sec Al.22) and, if necessary, have them read to him.

Naturally, it is extremely difficult to remember all the information which was covered in the previous pages. This chart was designed to serve as a reference for admissions officers in the jail. BE SURE THAT YOU FIND OUT AND LIST THE REQUIREMENTS THAT ARE PECULIAR TO YOUR JAIL AND ARE NOT LISTED HERE. THEN, USE THIS CHART AS A REFERENCE.

Committing Authority	Type of Commitment	General Requirements for Admitting Prisoner	Additional or Differing requirements of *your* jurisdiction (find out and write them below).
Arresting Officer	Commitment for alleged misdemeanor or felony	• Official ID • Signed commitment order • Legal charges	
Escorting Officer (not arresting officer)	Commitment for alleged misdemeanor or felony	• Official ID • Written citation signed by arresting officer • Legal charges	
Court	Pre-trial commitment or Commitment for sentence	• Legal commitment paper signed by committing judge, court commissioner or chief deputy clerk of court.	
Out-of-state law enforcement officer	"In-transit" commitment	• Official ID • Legal papers (Judgement & Commitment or Extradition) concerning prisoner signed by presiding judge or Governor in that jurisdiction or state.	

Committing Authority	Type of Commitment	General Requirements for Admitting Prisoner	Additional or Differing requirements of *your* jurisdiction (find out and write them below)
U.S. Marshal or his Deputy	"In-transit" Commitment	• Official ID • Completed form required by jurisdiction – signed by Marshal or Deputy	
U. S. Marshal or his Deputy	"Pre-trial" commitment	• Official ID • Completed form required by jurisdiction – signed by Marshal or his deputy • A legal paper signed by a federal judge or court commissioner which contains the name of the prisoner and formal charges against him.	
Parole or Probation Officer	Commitment for parole or probation violation	• Official ID • Official paper authorizing commitment	

NOTE: Whenever the committing authorities are not able to meet the specific requirements of your jurisdiction, the admissions officer should *not* admit the prisoners. And whenever there is doubt about a situation, you should seek the advice of a qualified authority before taking the responsibility of accepting or rejecting a prisoner.

A1.3 Classification of Prisoners. The Jailer has various needs for various kinds of information about prisoners. Within the limits of the law and the framework of judicial and public expectations, the Jailer and his staff have wide latitude for making institutional policy decisions, establishing or changing operating procedures and introducing new methods, programs, and services. Although the exercise of this responsibility is in the interest of increasing the efficiency and effectiveness of jail functions, it is an undeniable fact that jail personnel deal with people and, for this reason, the manner in which policies, rules, and procedures are applied have great importance.

Often when the subject of prisoner classification is mentioned, the response is that there is no time for such an activity. Yet a brief look at jail functions indicate that classification of prisoners has been used extensively, if not purposefully. In fact, in Kentucky the statutes mandate certain classification action, and the need for information to observe the statutes is readily apparent.

Housing of prisoners is a good example of the need for information on which to make decisions in order to comply with certain statutes. Any policy of housing jail prisoners will have to be determined by the kind and location of accomodations in the jail. By statute and by administrative regulations drawn in response to statutes, juvenile and female prisoners are assigned to separate quarters; elderly or infirm prisoners are placed in quarters near facilities they must use, the dining area, for instance. Further, weak and submissive prisoners are not placed among aggressive predatory types; young impressionable prisoners are separated from those who are sophisticated and calloused.

One of the surest ways of inviting a law-suit, official or public censure and adverse prisoner reaction is to ignore or be unaware of a prisoner's need for emergency medical care. Will commitment policies permit the receiving officer to refuse acceptance of a person in need of immediate medical attention? If so, how does he discover that a problem exists and in what ways does he exercise this discretion? With whom and in what ways can prisoners register complaints of being ill? What is done about such complaints? What other kinds of emergency needs might arise which, if ignored, might cause great personal or family hardship or extreme and unnecessary inconvenience?

What is the work assignment policy at the jail? What should it be? How are custody assignments made? Work release candidate? Many factors besides security have to be considered in making work assignment decisions. Is the prisoner physically able to do the work required? A person with a heart condition, for example, or one subject to seizures should not be assigned to work in high places or at tasks requiring extreme physical exertion. Does the prisoner have the intelligence and emotional stability to follow instructions? Does he have the skills or experience that may be required? Will he take care of tools and equipment? Can he work cooperatively with others?

Adequate feeding can present problems. There may be dietary considerations, as for those who are under special medical care or those who live under strict religious observances. Food handlers should meet at least minimum public health standards of being free from infectious disease and neat in personal cleanliness. If there is a central dining room, it may be necessary to feed certain prisoners separately from certain others, such as a material witness who is to testify against a prisoner awaiting trial. When meals are served in housing units, there is a need to assure that the food is properly conveyed and that rations are distributed equitably. In this connection, it must be remembered that in group cells or dormitories weak inmates can be victimized by aggressive prisoners who will get more than their share.

As can be seen readily it is necessary that the Jailer have information. The procedures of the jail should include a provision for obtaining information on which to base decisions.

Information can be defined in fairly specific terms. One kind of information is that which is of value in making predictions. To illustrate, it must be decided whether to place a prisoner under maximum or minimum supervision. His stability is an important factor in such a decision. Since residence is one indicator of stability, knowing how long he has been a resident of the community probably is more relevant than his address or the amount of rent he pays.

Another kind of information is that which can be used for identification purposes. Example: Is he in jail awaiting trial or serving a sentence? Will he be in jail a few days or several months? Both of these are the kind of information necessary for sound decision making. Further example: it would make little sense to refer a prisoner to Alcoholics Annoymous if he did not at least have a serious drinking problem.

Of great importance is that whatever correctional programs and services may be available are intended for those prisoners who need them and who are eligible to participate in them. A system of classification is a method to insure that the best use is made of these programs and services, by applying them to prisoners who need and can profit the most.

In those localities where classification of prisoners has been tried, all agreed that the process had a positive effect on the morals of prisoners. This was because the process focused attention on the individual. Staff members became more aware of the prisoners as individuals. As a result there was a better communication between staff and prisoners, resulting in lessened tension.

Volunteers are one source of personnel to conduct admission interviews in order to obtain the kinds of information needed on which to base classification decisions.

On the following page is a suggested form on which to record information obtained in an admission interview on which the Jailer can exercise his decision-making responsibility as to custody (supervision requirements) and housing assignments. There can be other uses, of course, but at this writing (February 1976) the only verified value of this form is in regard to custody determinations and housing assignments.

It is not necessary to complete the form, which is called Prisoner Inventory, on all persons booked into the jail. For example, there will be little or perhaps no value of completed forms on prisoners who will be held in jail only a few hours or a day or two.

It must be kept in mind that forms such as the Prisoner Inventory are considered as aids in decision-making, but are not a substitute for common sense.

PRISONER INVENTORY

NAME: NUMBER: DATE: TIME:

	YES	NO		YES	NO		YES	NO
COMMITMENT STATUS			ESTIMATED STAY			MENTAL CONDITION		
Awaiting trial			One day or less			OR ATTITUDE		
Awaiting sentence			2 days to 1 wk.			Appears or acts —		
Awaiting appeal			Over 1 wk. to 1 mo.			normal		
Direct sentence or fine			Over 1 mo. to 6 mos.			questionable		
Parole violation			Over 6 mos. to 1 yr.			abnormal		
On writ			Over 1 yr.			describe:		
Other			RESIDENCE					
specify:			Address:					
			Duration —					
			under 6 mos.					
Possible detainers			6 mos. to 1 yr.					
explain:			over 1 yr.			PHYSICAL CONDITION		
			Duration in community —			General appearance —		
			under 6 mos.			good		
			6 mos. to 1 yr.			questionable		
			over 1 yr.			poor		
Prior commitment			Rents by —			Present complaint		
AGE			day or week			explain:		
Juvenile			month					
Under 21			Leasing or purchasing					
21-25			Lives with family					
26-35			RECENT WORK HISTORY					
Over 35			Employer's name			Taking medication		
SEX			and address:			description:		
Male								
Female								
CHARGE OR OFFENSE								
Against person			Employed or in school —					
Sex			full time			Doctor's care		
Property			part time			physician's name:		
Public order			odd jobs					
Other			unemployed					
MARITAL STATUS			under 6 mos.					
Married			6 mos. to 1 yr.					
Family support —			over 1 yr.					
total			WORK SKILLS (describe)			Appearance or		
major						history of —		
partial						alcohol		
none						drugs		

Describe prisoner's responsibilities, if any:

Persons interested in this prisoner:

Name	Address	Tel.	Relation

Immediate problems: (list in order of importance) **(Action indicated)**

Other observations or comments:

Completing the Prisoner Inventory:

There is a Yes and No column to the right side of each statement. For instance: On writ: if the answer is Yes, then put an X in the Yes column. Another example: If the prisoner is a juvenile (under age 21) then put an X in the Yes column to the right of Juvenile.

After all items have been answered, then the Prisoner Inventory is ready to be used as an aid in determining the degree of supervision needed. (It should be kept in mind that the Prisoner Inventory is designed to be used only for healthy male prisoners). Females and prisoners obviously in need of immediate medical care should be considered special cases.

Scoring the Prisoner Inventory:

As previously stated, the uses of the Prisoner Inventory are, at present, in custody determinations and housing assignments.

We shall first illustrate the use of the Prisoner Inventory in determining the degree of supervision required (custody). Only the following items are to be scored. The scores to be given are also shown.

COMMITMENT STATUS	SCORE, IF X IN YES COLUMN
On Writ	W
Other	W
Possible Detainers	W
Prior Commitment	3

In scoring, the letter W (Warning) means that the prisoner may require maximum supervision until futher investigation.

The numerical scores mean the following:

3 - a good indication of stability.
2 - a fair indication of stability.
1 - the lowest indication of stability.

After all items have been given a numerical score, then you should add all scores together to get the Total Score.

The Total Score indicates the following:

If Total Score is:	It Means:
10 or less	A good candidate for Maximum custody
11 - 15	A questionable candidate for Medium security
16 - 20	A good candidate for Medium custody
21 - 25	A questionable candidate for Minimum custody
26 - 30	A good candidate for Minimum custody

In devising this Prisoner Inventory scoring system, the following custody classifications were used:

Maximum Custody - the prisoner needs to be kept in the most secure quarters at all times; if he is assigned work it must be within the most secure part of the jail and under visual supervision at all times.

Medium Custody - the prisoner may be in less than the most secure quarters. He may be assigned to work anywhere within the jail, but should be under visual supervision at all times.

Minimum Custody - the prisoner may be in the least secure quarters and if assigned to work within the jail needs to be observed only periodically (at least once an hour). If assigned to work outside the jail he may need only periodic supervision at certain times. For instance: at lunch or in mid-afternoon.

The second illustration of the use of the Prisoner Inventory is in making housing assignments.

Only the following items are to be coded. The codes to be given are also shown.

AGE	SCORE, if X in Yes Column
Juvenile	W
21-25	1
26-35	2
Over 35	3
MARITAL STATUS	
Married	3
Family Support -	
Total	3
Major	2
Partial	1

RESIDENCE

Duration - **	
Under 6 mos.	1 - 0
6 mos. - 1 yr.	2 - 1
Over 1 year	3 - 2
Duration in community**	
Under 6 mos.	1 - 0
6 mos. - 1 yr.	2 - 1
Over 1 year	3 - 2
Rents by -	
Month	2
Leasing or purchasing	3
Lives with family	3

RECENT WORK HISTORY

Employed or in school -	
Full time	3
Part time	2
Under 6 mos.	1
6 mos. - 1 yr.	2
Over 1 year	3

MENTAL CONDITION OR ATTITUDE

Appears or acts -	
Questionable	W
Abnormal	W

COMMITMENT STATUS	CODE, if X in Yes Column
Awaiting trial	1
Awaiting sentence	1
Other	2
Prior commitment	3

AGE

Juvenile	4
Under 21	5

SEX

Female	6

CHARGE OR OFFENSE

Against person	7
Sex	8

(**If residence is in local community, use the rating number on left side; if not, use rating number on right side.)

MENTAL CONDITION OR ATTITUDE

Appears or acts -	
Questionable	9
Abnormal	9

PHYSICAL CONDITION

General appearance -	
Questionable	9
Poor	9
Doctor's care	9
Appearance or history of -	
Alcohol	9
Drugs	9

Use of the Prison Inventory in making decisions on housing assignment differs from the use for determining the custody classification. The codes are not together. Each code number should be looked at and compared to the code key that follows this paragraph. These are all matters which should be considered in making a housing assignment.

CODE NO.	ACTION OR CONSIDERATION
1	Should be kept separate from sentenced prisoners if possible.
2	Should be kept apart from sentenced prisoners if possible, and if the prisoner is a material witness, or awaiting a sanity hearing, he may require separate quarters.
3	The degree of supervision acquired and conduct record of a prior commitment are good indicators of what can be expected on this commitment.
4	Must be kept entirely separate from all adults.
5	If weak, submissive type, may need protection from all adults.
6	Must be kept separate from all males.
7	Others may need protection from aggressive, predatory types.
8	Child molesters and rapists may need protection from others. Aggressive homosexuals may need to be segregated; passive homosexuals may need protection.
9	Obtain medical advice for housing requirements.

A1.4 Procedure Regarding Prisoner Returned from Bureau of Corrections Institution for New Trial or on Appeal Bond Hearing. The Rules of Criminal Procedure (R Cr 10.02) provide that the Court may grant a new trial and/or grant a prisoner a hearing on an appeal bond. When this happens, the Court will issue an order to the Superintendent of the Bureau of Corrections institution at which the prisoner is confined to release him to the custody of the Sheriff or Deputy Sheriff(s) for return to the county jail pending appearance before the Court. The order will state the date and time of the court appearance. The Jailer may accept the prisoner on the authority of the court order. Perhaps several trips to and from the court will be necessary. However, each admission and each release may be done on the authority of the court order mentioned.

As in any situation of admission or release of a prisoner, the Jailer should see the court order and validate it via the Judge or his staff members.

A1.5 Statutory Obligations of Fiscal Court Regarding County Jail. Before a Jailer can perform his duties of keeping a jail, there must be a jail. The Fiscal Court has the duty to provide a jail. Although KRS 67.080(4) states that the Fiscal Court may secure a sufficient jail, the Kentucky Court of Appeals in Covington v Kenton County 82 S.W. 392 (1904). said this was a positive obligation. In Shearer v Hall Ky 399 S.W. 2d 701 (1966), the court said that not only must the Fiscal Court provide a sufficient jail, it must keep the jail in repair.

Sufficient jail includes all the items and equipment necessary for a Jailer to perform his duties as keeper of the jail. The duties of the Jailer are basically those contained in KRS 71.030 and KRS 71.040 (see Section B for full texts). Since it is the duty of the Fiscal Court to provide a sufficient jail, the Jailer has the standing to require the Fiscal Court to carry out its duties.

The Attorney General is of the opinion that the Fiscal Court is required to equip the County Jail with cooking and kitchenware. (See Sec C3:64-758).

Section A1.26 entitled Powers contains further information in connection with the foregoing.

A1.6 Standards of Conduct. There is no question that the proper operation of a jail requires order. There must be rules and written explanations of acceptable behavior. Otherwise, prisoners cannot and will not know what is expected of them.

Each jail employee must know the rules and each must apply them in the same manner.

Rules and procedures are useless unless they are understood and enforced and are up to date. Whenever a prisoner is admitted to the jail he should be told of the rules and procedures as well as being given a printed copy of them.

Prisoners cannot be expected to control their behavior if jail personnel show by their attitudes and their behavior that they themselves cannot maintain self-control. Loss of temper and loud or profane or obscene talking by a jail officer demonstrates to the prisoners a lack of self-control and a lack of self-discipline.

All personnel must follow the disciplinary rules and procedures and must never personally punish prisoners.

Book Five, Discipline, of the U.S. Bureau of Prisons programmed instruction course titled Jail Operations, a Training Program for Jail Officers, contains pertinent information on the disciplinary process and should be reviewed frequently by jail personnel. Likewise, the booklet titled Jail Security, Classification, and Discipline, published in 1974 by the National Sheriffs' Association should be obtained and used as a guide.

Whatever rules and procedures are adopted must meet due process as defined by the Courts. This simply means that the prisoner must be advised of the charge against him and given the opportunity to reply and to present information in his own behalf. The reporting officer should not be a member of the committee or group which conducts disciplinary hearings.

KRS 441.010 states that the County Court shall prescribe rules for the government (and cleanliness) of the county jail, and the comfort and treatment of prisoners. The Jailer should work with the Court in the establishment of the rules and in keeping them up to date.

Prisoners have increasingly requested the courts to protect them from abuses which are committed under the guise of discipline. The Supreme Court of the United States has made it clear that the court system could and would review administrative actions to make certain that they meet with requirements of the U.S. Constitution. This also means that administrative actions must meet with requirements of the Kentucky Constitution.

Most institutional punishments such as loss of privileges, and change of status (for example: change from minimum custody to maximum custody) are recognized as constitutional if they are imposed under proper procedures.

There are enough lower court cases to suggest that corporal punishment of whatever kind is unconstitutional under any circumstances. (Jackson v Bishop, 404 F. 2d 57 (8th Cir. 1968) (Landman v Rousten, 333 F. Supp. 621 (E.D. Va 1971). However, these rulings do not relate to the use of force generally. Thus a Jailer still has the right to use reasonable force to protect himself and to stop a disturbance within the jail when such force is reasonably necessary. But even during a disturbance the use of force as punishment or in retaliation for acts of prisoners would not only be unconstitutional but could result in liability for damages. The test for whether force is necessary is whether property or lives are in danger. (Reference is made to KRS 503.010 through KRS 503.110 in Section B of this Manual for the laws of Kentucky regarding the use of physical force).

Isolation, solitary confinement, or punitive segregation standing alone - has not been declared unconstitutional. Rather, the courts have focused on the conditions of such confinement and have held that where the totality of the circumstances are "barbarous" or inhumane, such confinement would be a cruel and unusual punishment. It is thus difficult to specify exactly when conditions are valid and when they become unconstitutional. For example, inadequate diet is one factor the courts will consider, but permissible limitations on diet may range from bread and water to adequate but monotonous food. While a particular diet may not be suspect on nutritional grounds, if it is prepared under unsanitary circumstances or if it is combined with other factors, it may convince the court that the conditions are illegal.

Listed below are three categories of factors which have been named by courts as likely to result in a cruel and unusual punishment if enough of them are present. Included in the first category are factors which are considered critical by most courts. The existence of one of these in an extreme form will probably cause the court to declare that the conditions constitute a cruel and unusual punishment. The second category include factors which courts are increasingly considering as tipping the scales toward a cruel and unusual punishment. Included in the third category are factors which, standing alone, have not bothered the courts that much. (But when combined with other factors they may provoke actions).

Category One. Major Conditions

1. Extremes of temperature in cells.
2. Deprivation of sanitary needs (such as toilet paper, soap, change of clothes, towels, toothbrushes, etc.).
3. Denial or severe limitation of food.
4. Denial of medical care.
5. Unsanitary conditions (such as no ventilation, lack of cleanliness, inadequate toilet facilities, vermin, unclean food preparation or service, etc.).

Category Two. Factors of Increasing Importance

1. Less than severe limitation of food.
2. Denial or limitation of clothing.
3. Denial or limitation of bedding, mattress, etc.
4. Denial or limitation of exercise.
5. Overcrowding (size of cells in relation to number of persons in them).
6. Limitations on correspondence.

Category Three. Relevant But Not Controlling Factors

1. Denial of programs (such as education, work, etc.).
2. Enforced idleness.
3. Denial of visits.
4. Limitation on religious observance.

All of these factors are also related to the amount of time an individual is confined under the applicable conditions. Confinement for a few hours under some conditions might not be unconstitutional whereas confinement under the same conditions for several days might well be invalid. Courts have not as yet put any maximum time limits on solitary confinement per se. One federal court in New York declared solitary confinement unconstitutional if continued longer than 15 days, but this was reversed on appeal. The higher court imposed the rule that extended confinement must be "barbarous" before it is unconstitutional.

Courts also require more humane conditions for the confinement of juveniles in isolation than adults.

It has also been suggested in some cases that imposing solitary confinement for minor offenses may be unconstitutional. Thus solitary confinement for "swearing" may be invalid although the same punishment for assaulting an officer would not be. The law seems to require that the seriousness of the punishment imposed must bear a reasonable relationship to the seriousness of the offense committed. This rule would apply not only to isolation but to all disciplinary punishments. Moreover, the language in some court opinions suggests there may be a requirement that the punishment imposed be the least drastic one called for by the circumstances.

How Punishment is Imposed: The Constitution prohibits government from depriving persons life, liberty, or property without due process of law. Due process relates to the kind of procedures utilized in making governmental decisions. Our legal system traditionally has imposed certain procedural devices to insure that the factual basis upon which the government acts is accurate. Thus in a criminal case the ultimate fact is whether the accused is guilty or innocent and that fact is determined at a trial at which the accused has the full range of procedural rights. These include the right to notice of the charges against him, a hearing before an impartial judge, the opportunity to present evidence and to confront and cross-examine witnesses against him, and the right to be represented by an attorney. In addition there are rules of evidence to insure that irrelevant or inaccurate information is not introduced into the trial.

The United States Supreme Court has also recognized that a criminal case is only one government action which deprives persons of fundamental interests, although other deprivations may not be as substantial as going to jail. The rule that has developed is that "due process" means different things depending on how important the deprivation is. The full range of procedural rights which apply in the criminal trial are not automatically required for other governmental decisions.

The Supreme Court has recently ruled that disciplinary proceedings within a prison can deprive prisoners of substantial "liberty" interests. Thus, some due process is required when the prisoner is threatened with loss of good time or solitary confinement. The prisoner must be given advance written notice of the claimed violation in order to inform him of the charges and give him an opportunity to prepare a defense. He must be given a hearing at which he can offer his defense. The prisoner must be allowed to present witnesses and documentary evidence at this hearing when permitting him to do so will not be unduly hazardous to institutional safety or correctional goals. Counsel substitute must be allowed if the case is difficult and the prisoner is unlikely to be able to defend himself alone. Finally, a written statement of the facts relied upon and reasons for the action must be given at the hearing. Less precise procedures would probably be required if a lesser form of punishment, such as a reprimand, is given.

Most courts which have considered the question have agreed that the correctional agency should provide prisoners with written rules which spell out the range of punishments which can be imposed.

A number of states have gone beyond the Court's requirements in their own administrative regulations. The recommendations of the National Advisory Commission on Criminal Justice Standards and Goals are reprinted below as an example of a comprehensive disciplinary code.

It is important to remember that confined persons do have a right to expect all members of the institution staff to obey the rules adopted by the administration. Thus, officers who impose punishments without complying with the rules are in conflict with institutional policy and may be liable in damages.

Courts have recognized, on the other hand, that correctional staff will have to act in emergency situations. None of the rules for disciplinary hearings prevent the staff from performing their necessary function in maintaining order within the institution. In the event of an uprising or disturbance, the staff clearly has the right to isolate the troublemakers immediately without a hearing. They can take all reasonable steps to maintain order. However, when the emergency no longer exists, then due process procedures must be used before punishments can be imposed. And isolation of a prisoner during a riot cannot continue after the danger has passed unless due process procedures are used.

The recommendations of the National Commission are as follows:

Standard 2.12
Disciplinary Procedures

Each correctional agency immediately should adopt, consistent with Standard 16.2, disciplinary procedures for each type of residential facility it operates and for the persons residing therein.

Minor violations of rules of conduct are those punishable by no more than a reprimand, or loss of commissary, entertainment, or recreation privileges for not more than 24 hours. Rules governing minor violations should provide that:

1. Staff may impose the prescribed sanctions after informing the offended of the nature of his misconduct and giving him the chance to explain or deny it.
2. If a report of the violation is placed in the offender's file, the offender should be so notified.
3. The offender should be provided with the opportunity to request a review by an impartial officer or board of the appropriateness of the staff action.
4. Where the review indicates that the offender did not commit the violation or the staff's action was not appropriate, all reference to the incident should be removed from the offender's file.

Major violations of rules of conduct are those punishable by sanctions more stringent than those for minor violations, including but not limited to, loss of good time, transfer to segregation or solitary confinement, transfer to a higher level of institutional custody or any other change in status which may tend to affect adversely an offender's time of release or discharge.

Rules governing major violations should provide for the following prehearing procedures:

1. Someone other than the reporting officer should conduct a complete investigation into the facts of the alleged misconduct to determine if there is probable cause to believe the offender committed a violation. If probable cause exists, a hearing date should be set.
2. The offender should receive a copy of any disciplinary report or charges of the alleged violation and notice of the time and place of the hearing.
3. The offender, if he desires, should receive assistance in preparing for the hearing from a member of the correctional staff, another inmate, or other authorized person (including legal counsel if available).
4. No sanction for the alleged violation should be imposed until after the hearing except that the offender may be segregated from the rest of the population if the head of the institution finds that he constitutes a threat to other inmates, staff members, or himself.

Rules governing major violations should provide for a hearing on the alleged violation which should be conducted as follows:

1. The hearing should be held as quickly as possible, generally not more than 72 hours after the charges are made.
2. The hearing should be before an impartial officer or board.
3. The offender should be allowed to present evidence or witnesses on his behalf.
4. The offender may be allowed to confront and cross-examine the witnesses against him,
5. The offender should be allowed to select someone, including legal counsel, to assist him at the hearing.
6. The hearing officer or board should be required to find substantial evidence of guilt before imposing a sanction.
7. The hearing officer or board should be required to render its decision in writing setting forth its findings as to controverted facts, its conclusion, and the sanction imposed. If the decision finds that the offender did not commit the violation, all reference to the charge should be removed from the offender's file.

Rules governing major violations should provide for internal review of the hearing officer's or board's decision. Such review should be automatic. The reviewing authority should be authorized to accept the decision, order further proceedings, or reduce the sanction imposed.

(Note: Standard 16.2, referred to above, concerns the regulation of administrative procedures of correctional agencies and requires the establishment of disciplinary procedures by means of agency rules.)

Administration of Punishment: The following is an extract from a U.S. Bureau of Prisons publication titled The Jail: Its Operation and Management.

The distinction between sentenced and unsentenced prisoners is not clear where disciplinary situations are concerned. An unsentenced prisoner may not be punished for refusing to work although he is required to follow those rules that have been designed for the safety and welfare of prisoners and staff, and for the maintenance of order. Therefore, although an unsentenced prisoner may not be required to work, he may be required to make his bed and clean his area.

Punishments fall into three categories: loss of privileges; loss of good conduct time; and segregation. Loss of good time applies only to prisoners whose sentences may be reduced through earned good time. It is good practice to forfeit good time in increments; thus the prisoner is not placed in the position of having nothing left to lose. There should also be a procedure for restoration of good time, so that the prisoner will be motivated to conform. Restoration can be initiated by prisoner request or by review and recommendation of the disciplinary board.

Segregation. This punishment is used for prisoners whose behavior requires that they be separated from the rest of the jail population. Usually, the segregation unit is physically separated from other housing areas to ensure that the segregated prisoner will not disturb others or receive contraband. Conditions in segregation should include the following.

1. The cell should be clean, well lighted, heated, ventilated, and sanitary.
2. The cell should be furnished with a mattress and bedding.
3. The segregated prisoner should be permitted to wear regular jail clothing. If it is felt that a prisoner will destroy his clothing and bedding in segregation, these may be taken from him, provided the jail physician is notified and approves. The medical officer should be notified whenever a seriously disturbed prisoner is placed in segregation.
4. Every segregated prisoner should be fed three meals a day, similar to those provided the rest of the jail population.

5. A bathing and shaving schedule should be maintained. There is no reason for not insisting that the segregated prisoner achieve the same level of personal hygiene as other prisoners. Nor should segregated prisoners be subjected to the additional punishment of not being permitted to retain eyeglasses and dentures or to have available other essentials such as toilet tissue and drinking water.
6. Depending on security considerations and the availability of space and personnel, prisoners in segregation should be given an opportunity for exercise. This may be nothing more than a 15-minute period within the cellblocks.
7. Length of stay in segregation will depend on the rule violation and on the prisoner's behavior while segregated. Provision should be made for weekly review of all segregated prisoners. Early release from segregation can be an incentive.
8. The segregation unit must be adequately supervised. If the unit is not large enough to require a full-time officer, it should be checked at least every half hour. Sick call should be held in the unit and a record kept of the jail physician's visits. Supervisory personnel should log their visits to the unit and indicate results of their inspections. Any unusual events should be reported to the administrator and a copy of the report filed.
9. Writing and visiting privileges should not be denied to prisoners in segregation except in unusual and specific circumstances. An uncontrollable prisoner obviously should not be permitted visits under normal conditions. However, if it is felt that a visit may be beneficial for him, it could take place in some secure area.
10. The nature of the segregated population and the problems that can arise from segregation require that adequate records be kept. Dates of admisson to the unit, of review by the disciplinary board, and of release are important.

Use of Gas. Gas is a weapon, and the objective of using it is to control individual prisoners or groups of prisoners without causing permanent injury. Both aspects, the control of prisoners and their welfare, must be clearly stated and implemented. The use of gas should be prohibited unless specifically authorized by the administrator or his designated representative. Permitting jail officers to carry aerosol cans of gas is in conflict with the objective of eliminating weapons from the jail. When gas is readily available, it will tend to be used indiscriminately to punish unruly prisoners.

Only persons trained in its use should be permitted to handle gas. Whenever gas is used, the event should be recorded and a report submitted to the jail administrator giving the time, place, circumstances, and the person authorizing its use. The hazards to prisoners and jail personnel of indiscriminate or improper use of gas are too great to permit its use by untrained and unauthorized personnel.

A1.7 Special Prisoners: Jails contain a varity of inmates who because of their physical and mental state, sex, age, and legal status, should be given special treatment in terms of housing, work, program, and other jail activities. The treatment of these prisoners must be based on humane considerations, recommended standards, and good security practices.

KRS 211.920 to KRS 211.945 authorized the Department For Human Resources to adopt rules, regulations, and standards relating to the public health or health aspects of the operation of state and local confinement facilities. Sec E2, E3, E4 of this Manual contain those regulations.

Alcoholics: Sec E4 states that a detoxification unit shall be provided in all confinement facilities which are used to confine persons who may be intoxicated. The size of the detoxification unit shall be determined by the maximum number of intoxicated persons expected to be received within a 12 hour period. A prison-type commode, a drinking fountain, a flush action floor drain, and a lavatory with a drain large enough to accomodate the refuse frequently associated with detoxification units shall be provided. The detoxification unit must meet the other standards set forth for other facilities of the jail.

A medical inspection is required by the regulations referred to in the second paragraph of this Section. Prisoners under the influence of alcohol will be isolated from others- placed in the detoxication unit if the jail has one. These prisoners should be supervised closely to guard against suicide attempts and to watch for symptoms of delirium tremens or other deterioration in physical condition.

An alcoholic prisoner with delirium tremens should be placed in a hospital where he can receive the kind of treatment proper for his condition.

Of course, a well-balanced diet should be provided the alcoholic prisoner as soon as he is able to eat.

Also, as soon as possible, the prisoner should be permitted access to alcoholic counseling. For example, Alcoholics Anonymous provides a program which is being used in many jails. The Jailer should seek the help of the local AA chapter and other related agencies in working with the alcoholic prisoner while confined and after release.

Close supervision of the alcoholic should be maintained to guard against the smuggling of liquor into the jail and to prevent him getting medicines and other products containing alcohol.

Further, Sec E4 states that the nearest Comprehensive Care Center of the Department For Human Resources shall be notified of all prisoners with alcohol problems.

Narcotic Addicts: Under the regulations set by the Department For Human Resources, prisoners under the influence of drugs must be isolated from others and a follow-up made as directed in Sec E3. Those prisoners, and those suffering from withdrawal symptoms should be given immediate medical attention and treatment to alleviate suffering from nausea, pains, acute anxiety, depression, and other complicating factors.

Deaths, suicides, and self-inflicted injuries have occurred during withdrawal stages.

Special supervision of the narcotic addict is necessary to prevent him from getting narcotics and other drugs through contraband, barter, or theft. Special care should be given when supervising visiting and screening mail and packages.

As with the alcoholic, the narcotic addict should be permitted access to special programming, such as Narcotics Anonymous. Additionally, the nearest Comprehensive Care Center of the Department For Human Resources should be notified so that treatment may be provided the narcotic addict during his time in jail and following his release.

The following information is provided for the information and guidance of the Jailer and his staff:

Drugs may be classified as:

a. Cannabis (marijuana) - "grass"
b. Depressants - "downs", ex. phenobarbital (goofballs), Secobarbital (Red devils), etc.
c. Hallucinogens - "trips" - ex. LSD, mescaline, psilocybin, etc.

d. Inhalents - ex. glue, paints, gasoline, nail polish, etc.
e. Narcotics - ex. Heroin (skag), morphine, demerol, etc.
f. Stimulants -"ups" - ex. amphetamine (bennies), methedrine (speed), etc.
g. Tranquilizers - ex. Miltown, Librium, Valium

Treatment for Overdose of most of the drugs involve maintaining an airway, maintaining body temperature, and getting medical aid as soon as possible. In case of a "bad trip" on a hallucinogenic drug, you need to "talk the patient down" by reassuring the person; telling the patient the drug is causing the fright and making problems seem more overwhelming; finding a quiet environment; being a good listener, and staying with the person until the effects of the drug wear off.

For a fuller discussion the Jailer may wish to obtain the American Red Cross pamphlet, "Drugs and Their Abuse".

The Mentally Ill: The jail is not the proper place of detention for the mentally ill. However, the statutes do provide for a mentally ill person who is considered violent, to be admitted to the jail and detained there for a brief period. (Sec B: KRS 202.027).

Mentally ill persons must be closely supervised to guard against suicide attempts or attacks on others. All such prisoners should be under the care of a physician.

Sec E3 contains Mental Health Standards for jails which state that any prisoner who has a history of psychiatric problems or abnormal behavior shall be referred to the Comprehensive Care Center.

Written procedures for detecting and dealing with mental health problems must be on file.

Minimum social services shall be provided in all jails, either by the staff or by outside community agencies. The minimum services shall include:
Counselling
Social Worker Service
Recreation Program
Exercise Program.

How to Tell When a Person is Mentally Ill: There are certain signs to look for, such as:

He shows big changes in behavior.
He has strange losses of memory.
He thinks people are plotting against him.
He has grand ideas about himself.
He talks to himself or hears voices.
He sees visions, or smells strange odors, or has peculiar tastes.
He thinks people are watching or talking about him.
He has bodily ailments that are not possible.

The above telltale signs are discussed in depth in a publication of The National Association For Mental Health, Inc., 1800 North Kent Street, Arlington, Virginia 22209, titled: How To Recognize and Handle Abnormal People, which is available at $1.15 a copy. For 100 copies or more the price is 95¢ a copy.

Diabetics: Most diabetics are aware of having this disease. Any prisoner who has diabetes must be referred to the jail physician.

The special precautions necessary for diabetics are management of diet and drugs, controlled exercise, and special observation for reactions due to too much or not enough insulin.

Diabetes is a metabolic disease where the body is unable to use sugar normally because of an inadequate supply of insulin. When the supply of insulin is inadequate, sugar cannot enter the body cells and be used for energy. Diabetes is treated by diet and/or insulin.

The chart on the next page is for the information and guidance of the Jailer and his staff in recognizing emergency situations. Of course, only a physician may prescribe regular treatment.

Diabetic coma - occurs when there is not enough insulin and, thus, cells burn fat for energy, resulting in an increased presence of ketones. Too many ketones in the blood results in coma.

Insulin shock (hypoglycemia) - occurs when there is too much insulin given and not enough food ingested, or when there is excessive exercising and food ingested is used up too quickly. The brain is deprived of its sugar requirement, resulting in unconsciousness and possible permanent brain damage.

	Diabetic Coma	Insulin Shock
Skin:	dry, warm flushed	pale, moist
Pulse:	rapid, weak	full, rapid
Breathing:	rapid, deep	normal
Tongue:	dry	moist
Thirst:	intense	absent
Onset:	gradual	sudden
Breath:	fruity, sweet smell	
Nervous System:	varying degrees of unresponsiveness	headache, dizziness, seizures

Immediate emergency handling can involve:

a. If the patient is in a diabetic coma, get insulin administered immediately.

b. If the patient is in diabetic shock, give sugar, orange juice, candy.

c. If the patient is unconscious, transport immediately with sugar cube under the tongue. If the patient is in diabetic shock, it might make a big difference.

If a diabetic patient becomes ill, ask the patient when the last food or drink had been taken and when insulin has been taken.

Diabetics are very prone to infection. Take special care of feet and legs to prevent infection.

Epileptics: Epilepsy is a symptom-complex caused by birth injury, brain injury, hermorrhage into the brain area, tumor, or infection.

There are two major types of epilepsy, petit-mal and grand-mal.

Petit-mal seizures are small seizures and there is no loss of consciousness.

Grand-mal seizures are massive, characterized by convulsions (violent, jerky movements caused by sudden stimulation of large numbers of brain cells) which result in loss of consciousness. Following the seizure, the person is drowsy and should be allowed to sleep.

In the management of seizures, there are a number of things to be aware of:

a. The person may seem to be breathing abnormally and may be cyanotic, but this will correct itself as soon as the seizure is over. (Cyanotic means that the skin has taken on a bluish coloration).

b. Occasionally, the person's teeth will clamp with the danger of biting the tongue. A padded tongue blade (or any other similar type object) should be placed between the person's teeth, however, the object should not be forced in.

c. The person's clothing should be loosened.

d. The person should be protected from injury by removing hard objects around him. He should not be restrained. However, if necessary, his movements may be guided by the person attending him.

e. After the seizure, the person should not be questioned or disturbed. He should be protected from embarrasment, and encouraged to rest. Another seizure is likely to result if the person gets us too soon or feels embarrassed.

Drugs help to control seizures and are prescribed for most epileptics. Since these drugs are often sought by other prisoners, caution should be exercised to see that the epileptic actually takes the medication.

Seizures must be taken into account in assigning work to an epileptic, to avoid unnecessary risk for him. He should never be placed in any situation which might be hazardous to him if he had a seizure.

Sex Offenders: In general, sex offenders should be closely watched for signs of emotional disturbance. Some become depressed and suicidal. Many, but not all, will benefit from a clinical evaluation by a psychiatrist.

The Jailer will see a wide variety of sex offenders, including exhibitionists, window peepers, child molesters, rapists, and homosexuals. These persons are quite different from each other and present different problems. Not all require the same amount of supervision or segregation.

The Jailer may wish to contact the nearest Comprehensive Care Center to provide a staff member to advise the jail personnel on the care of sex offenders.

The following information is provided for the general information of the Jailer and his staff in dealing with sex offenders.

The prisoner who is charged with molesting a child usually poses no threat to adults. However, the Jailer may well have to arrange to protect him from other prisoners. Anger toward the child molester and other sexual offenders may be very intense. However, most are passive persons who pose no major problems themselves. Only a few are violent or dangerous.

The Jailer should be sure that neither he nor his staff show prejudice toward a prisoner charged with or convicted of a sex offense. The Jailer has a definite responsibility to demonstrate by his speech and actions that fair, impartial, unprejudiced treatment of this type of offender, and any other type, is given.

Among homosexuals, there are many individual differences. Those who prefer young boys are not usually interested in adults homosexual relationships. This prisoner, except for his own protection, usually does not have to be separated from other adult prisoners. Some homosexuals who prefer adult partners may be aggressive in their approach to other prisoners. If so, these persons usually require segregation or some form of close custody.

Homosexuals cannot be identified merely by appearance. Prejudice and uninformed opinion often causes the label of homosexual to be given persons whose walk, gestures, and manner of talking seem to be feminine. Slimness and delicate appearance are all too often considered signs of homosexuality. It is important that prejudice does not cause the homosexual label to be applied to slim, youthful prisoners since the consequences to the prisoner can be very serious.

Prisoners believed or known to be homosexual must not be discriminated against by being given clothing or an identification card that sets him apart from other prisoners. The proper action is to closely supervise such prisoners.

Special care must be taken in assigning housing to the prisoner who has a feminine appearance and/or mannerisms, as he has no defense against the aggressive homosexuals found in jails and prisons. Preferrably, he should be housed in a single-occupancy cell. If the jail has only multi-occupancy units, extra care must be taken in making cell assignments.

Many homosexuals appear to be quite masculine-hairy, muscular, aggressive. But looks can be deceiving. These people often use their strength to bully and sexually abuse weaker prisoners; they are responsible for many homosexual rapes.

The key to the supervision of both the effeminate appearing and the very masculine type prisoner is to watch their behavior, not their appearance.

A1.8 Educational Services. Education and literacy programs can be held in the jail using either paid employees or volunteers. Such programs not only reduce idleness, they assist in meeting basic needs of prisoners.

For the most part, prisoners lack the academic and vocational skills necessary to function adequately in society and to maintain steady employment to support themselves and their dependents. In addition to whatever other benefits it may provide, an education program can assist the prisoner in raising his self-esteem and motivating him to make a better use of his life.

Of course, the size of the jail and the kinds of facilities within the jail will be factors in what programs can be developed. However, a jail of any size can develop some of each of the following suggested academic programs:

1. Adult Basic Education: In practically every community an adult basic education program is in operation, designed to reduce if not eliminate illiteracy and offering opportunities to learn about trades, business, customs, personal responsibilities, and the law, to name only a few. Prisoners can be taught to read, write, and increase meager existing abilities in these subjects.

2. Elementary and High School Courses: Courses are available which have been especially designed so that the student can continue them in the regular community schools after release.

3. General Education Development: This is a special program to prepare students for the GED test. Upon passing the test the student is awarded a high-school equivalency diploma.

4. Correspondence Courses: High school students and graduates can enroll in correspondence courses through the local school districts and state colleges and universities..

5. Social Education: Courses in social education provide a prisoner the opportunity to understand himself, how to get along better with others, and how to properly fulfill the many roles he will have in his life, such as husband, father, employee, manager of his salary, the proper use of credit, and a host of other topics.

With the assistance of community resources and interested citizens, the Jailer can develop the academic programs listed heretofore. Local schools authorities may be able to provide the teachers and guide the Jailer in seeking financial aids available from governmental agencies on all levels - city, county, state, and federal.

Vocational education is a highly desirable program, but most jails lack the proper space, equipment, and personnel to carry out suitable training programs.

Even though it may be only a small number, every effort should be made by the Jailer to prepare prisoners for employment upon release by assigning them to various jobs in the jail or to community public agencies.

Prisoners qualified for work release or educational release may receive vocational training on jobs in the community or in local schools. (See also Sec A1.12).

Larger jails might establish vocational training programs with the assistance of public agencies or private industry.

In all vocational and work programs, prisoners should be taught proper work habits, and should be counseled from time to time on how best to perform a job, how to get along with other workers, and how to apply for a job, including using the services of union locals, public and private employment offices, and other community agencies.

Counseling should be provided also in how to keep a job. Actually, the lack of ability to keep a job is a far greater problem for many people than getting a job. Surveys have consistently shown that inability to relate properly to supervisors and fellow workers is a prime cause of job separations. The jail prisoner is not immune to this difficulty.

Whether or not any of the suggestions already made can be carried out, jail personnel in any area and in any size jail can help prisoners obtain birth certificates, social security cards, and Selective Service cards, all of which are important in job seeking.

A1.9 Library Services: The library can be one of the most effective rehabilitative tools in the jail.

If space is available, the library should be centrally located with particular attention paid to adequate shelving, light, and ventilation.

There is no minimum or maximum number of books, newspapers, and magazines, which should be in the library. A determination of that can be made only in relationship to the number of prisoners to be served, the procedures used in distribution, and the length of time prisoners spend in the jail.

Volunteers may be used to operate a library service, and professional librarians in the local library, the local school library, or the regional or state library, may be called upon for professional advice in the selection of books, distribution procedures, and other matters concerning the library.

Many jails must depend on donations or the borrowing of books in order to stock a library. However, the Jailer can contact the following as resources:

Public Libraries: Local and regional or state libraries will usually keep the jail supplied with reading material on a rotating basis.

Private Citizens: These persons may wish to donate new and used books or subscriptions to magazines or newspapers. All books and magazines should be examined.

Employees and/or Professional People: Jail personnel, judges, probation officers, attorneys and other persons whose work is related to the jail may wish to donate books and particularly magazines.

Private Organizations: Service clubs, churches, fraternal organizations, citizens' groups, and similar organizations are good sources to contact in supplying reading material.

Commissary Funds: To the extent possible, a part of the profits from commissary sales could be used to purchase books, particularly those of a reference nature such as legal publications.

Publishers and Distributions: Upon request book publishers and magazine distributors might donate discontinued editions or unsold copies. The Readers Digest has for years donated copies to correctional instutitions.

Post Office: Unclaimed or undeliverable books and magazines have often been turned over to jails upon request by the Jailer.

Fiscal Court: Library services are a legitmate need and should be included in the necessary expenses of jail operations for the consideration of the Fiscal Court.

Reference is made to Sec A1.23, Legal Assistance, for information regarding legal reference services.

A1.10 Recreation and Leisure Time Activities: Much can be done toward relieving idleness and providing constructive activities through properly organized recreation and leisure time programs.

Physical exercise should be available to all prisoners, if at all possible. Additionally, radio, television, movies, arts and crafts, cards, dominoes, puzzles of all types, checkers and chess are other activities which can be considered. All tools required in these which can be used for unauthorized purposes should be controlled.

Radios and televisions are popular and many prisoners wish to have their own. Unless proper control is maintained, however, it would be better not to allow personally owned radios and televisions. A central radio can be provided through the existing intercommunication system. A television set in a day room or recreation area can be controlled as to times of viewing and program selection. The interests of the prisoners should be considered in programming.

Often various organizations in the community are willing to assist in obtaining the supplies and equipment necessary for recreation and leisure time activities. (See also Sec A1.9, Library Services).

A1.11 Religious Services. In counties containing a city of the First Class, the County Judge must appoint a Chaplain for the jail as provided in KRS 441.310.

All prisoners, in any size jail, should have the opportunity to participate in religious services and counseling on a voluntary basis.

Space should be provided for religious services. Scheduled services should be held so that the prisoners who do not wish to participate are not exposed to the service nor in a position to detract from the service.

The local ministerial association usually will, upon request, take an active role in providing a religious program.

Prisoners who wish private interviews and couseling regarding religious, personal, or family problems with accredited clergy, nuns, seminarians, and lay persons active in community church affairs should be given this opportunity. Provisions should be made to insure the confidentiality of these contacts.

The persons from the community who participate in the religious program can be also of assistance as volunteers in providing other programs.

A1.12 Work and Work Release: Idleness is a major problem in the administration of most jails. In Kentucky the Jailer must be aware of the statutes as to which prisoners may or may not be assigned to work inside or outside the jail. He must also be aware of the statutes that set forth the Jailer's duties and responsibilities in regard to working prisoners.

KRS 71.020 gives the Jailer custody, rule and charge of the jail in his county and of all persons in the jail...

KRS 71.030 says that the Jailer shall keep the jail comfortably warm, and clean and free from odors...

KRS 71.040 imposes the duty of keeping in the jail all persons who are lawfully committed thereto until they are lawfully discharged.

While these statutes impose a basic duty upon the Jailer, Chapter 441 of the KRS directly concerns the working and control of working prisoners. Chapter 441 is the chapter that deals with jails, workhouses, and county prisoners.

First, KRS 441.010 says that the County Court, which is the County Judge, shall prescribe rules for the government and cleanliness of the county jail and the comfort and treatment of prisoners. It also provides that the County Court may punish the Jailer by fine for disobedience or neglect of the rules, and the County Judge must inspect the jail once each month. Next, the Jailer should know under what authority a prisoner may be worked. Not all prisoners may be worked in or outside of the jail.

The statutes give the Court the right to require the prisoners to work, and designate those prisoners that may be worked.

KRS 431.130 says that, "...if the punishment is imprisonment in the jail of the county, the imprisonment shall be close confinement in the jail of the county unless otherwise provided. In any jurisdiction where there is a county workhouse the court may in its discretion confine the prisoner to the county workhouse instead of the county jail."

KRS 431.140 states that when the punishment for a crime is imprisonment in the county jail and the defendant is male, the jury or the Court may provide that the defendant shall work at hard labor, and if so provided the defendant shall work at hard labor during the time of his sentence of imprisonment.

Read together, these two statutes say that unless the jury or the court sentences a prisoner to jail at hard labor, the prisoner must be confined in the jail at close confinement. KRS 431.140 says that the prisoner shall be confined at close confinement "unless otherwise provided". It was "otherwise provided" in KRS 431.140 that the prisoner may be sentenced to jail at hard labor. The Legislature has made no other provisions for the disposition of prisoners confined in jail. They are either sentenced to jail at hard labor, which gives the Jailer the authority to work them or release them on proper orders for work, or they must remain in jail at close confinement.

KRS 441.120 says that when a prisoner is sentenced under KRS 431.140, to work at hard labor, he shall be placed in the workhouse if there is one, or at work upon some public work or road of the county. The place of working shall be determined by the County Judge.

KRS 441.130 provides that the county shall pay for the cost of feeding, lodging and guarding the prisoners assigned to public work out of county funds.

KRS 441.160 says that the Jailer shall, upon the order of the County Judge, release from jail and turn over to the manager of a workhouse or work crew any prisoner sentenced to hard labor. The order shall release the Jailer from any further authority or liability as to such prisoners, and from any and all responsibility regardless of the Court that committed the prisoner. The workhouse manager or crew manager shall assume responsibility and shall receipt to the jailer for all prisoners turned over to them.

KRS 441.200 requires that the jailer shall report to the county court, once each month, the disposition made of prisoners sentenced to hard labor.

There is no Kentucky court case dealing with the right of a Jailer to work prisoners in or outside the jail. The Attorney General, however, has written several opinions on this matter.

In a 1956 opinion, the Attorney General, on a question about working of prisoners, wrote that if a prisoner is sentenced to jail at hard labor he may be taken from the jail and worked. (Sec C3: 1956-38.955).

On a question about the procedure of transferring prisoners to a work crew, the Attorney General stated that the order by the County Judge should name the prisoner to be transferred, and that when the county has no workhouse, the confinement shall be in jail in the custody of the Jailer. (Sec C3: 63-60).

In another opinion the Attorney General stated that unless a judgment provides for work at hard labor, a County Jailer has no authority to place a prisoner at work...Under KRS 441.130, 441.140, a County Jailer must act under the direction of the County Judge in working prisoners at hard labor. (Sec C3: 66-479).

In a more recent opinion the Attorney General said that if the judgment doesn't reflect the hard labor provision a Jailer cannot work a prisoner. Where hard labor is authorized by the judgment, the working conditions and security must be determined by the county court. In that same opinion, the Attorney General, when asked if the Jailer may make a prisoner a trusty, replied that he may not. "It is up to the county court to prescribe the work regulations if hard labor is authorized. If hard labor is not authorized, you can't work him at all." (Sec C3: 70-329).

Unsentenced prisoners are not required to work, except to keep their immediate living area clean. However, a volunteer work program may be commenced. It should be closely supervised and limited to general housekeeping chores within the security area.

Work Release for misdemeanants is authorized by KRS 439.179. The same statute also authorizes release for attendance at an educational institution and to obtain medical treatment.

Only the Court may grant the work release privilege which consists of:

1. Seeking employment.
2. Working at employment.
3. Conducting own business or other self-employment occupation including, in the case of a woman, housekeeping and attending the needs of her family.

The Jailer is responsible for notifying the Department For Human Resources of the presence of a prisoner who has been granted the work release privilege. The DHR shall endeavor to obtain employment for the prisoner.

Prisoner on work release must pay the amount established by law for the cost of his board in the jail. Failure to do so automatically forfeits the work release privilege. The board is paid to the city if the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine. If the prisoner is confined for contempt, the board shall be paid to the state treasury. In all other cases the Fiscal Court shall receive the prisoner's wages and disburse them in the order given for the following purposes:

1. Board of the prisoner.
2. Support of prisoner's dependents, if any.
3. Payment on or in full of the prisoner's obligations.
4. The balance, if any, to the prisoner upon his release.

The Fiscal Court may provide that the county furnish or pay for the transportation of prisoners to and from the place of employment.

KRS 439.179 which authorizes work release does not affect KRS 64.150 which provides for the payment of fees to the Jailer.

The potential of work release as a community effort has been demonstrated in the last several years. It is a basic program which can be developed to bridge the gap between the jail and the community. It can be used in any jail and with many kinds of prisoners.

Prisoners assigned to work release are able to continue their employment or secure new employment while under the supervision of jail personnel. Their family members benefit since they are not deprived of the important image of a father who supports or contributes to their support. In this sense, work release can help keep the family together.

The city or county benefits by receiving money for "boarding" the prisoners. More important are the savings which result when the prisoner's family is kept partly or entirely off public welfare roles. Also, the working prisoner is paying his taxes.

There are many excellent references regarding the background and present status of work and educational release throughout the United States. The Jailer may contact the District Jail Consultant for such references.

A1.13 Escapes. When a prisoner's record or behavior indicates that he is an escape risk, or if the charge on which he is held is a particularly serious one, extra precautions should be taken to insure his safe custody. He should be held in the most secure quarters which should be searched frequently and the prisoner himself should be frequently searched. Such searches should be conducted in privacy. His visits should be closely supervised, and his conduct after visits carefully observed. In fact, special supervision should be given to all of his activities.

As with all other emergency situations, procedures should be established in advance so that all concerned will know their duties and responsibilities in the event of an attempted or successful escape.

The objectives of an escape plan are:

1. To prevent the successful completion of escapes in progress.

2. To search for and apprehend escaped prisoners.

While security procedures may succeed in preventing most escape attempts, they cannot prevent all. For that reason it is necessary to develop plans to deal with escapes being planned, escapes that are happening, and escapes that have already happened. An escape plan should establish policy, define responsibility, and outline procedures to be followed.

KRS 441.010 states that the County Court shall prescribe rules for the government of the county jail. The Jailer should involve the Court, the county sheriff, and the local police in drawing up the plans and procedures to be followed in the event of an attempted or successful escape. The Sheriff and the police can provide valuable assistance during an escape emergency.

KRS 71.020 gives the Jailer the custody, rule, and charge of the jail. KRS 71.030 and KRS 71.040 refer to the manner in which the jail must be kept.

Should a prisoner escape by reason of the Jailer's negligence he faces possible indictment for willful neglect of his duties.

KRS 440.040, KRS 440.050 concern the liability of the Jailer, Deputy Jailers, and Matrons for aiding the escape of a prisoner or knowingly concealing an escaped prisoner, or in any way hindering or preventing his capture.

The statutes were cited in the previous paragraphs in order to emphasize the importance to the Jailer and his staff of a comprehensive escape plan.

The escape plan should be developed around four (4) major steps:

1. Sounding the Alarm
2. Mobilization of Resources
3. Ending the Alert
4. Post-Escape Procedures.

Each of these steps should be well-known by the Jailer and his staff, and by the Sheriff and local police. The County Court should also be aware of the general procedures and intent of the plan.

Sounding the Alarm: A system is needed for alerting all personnnel in the jail that an escape is in progress or has happened. Also, if the escape is discovered while still in the planning stage, the plan must contain procedures for preventing it - such as, an immediate search of the living quarters area and the separation and segregation of the prisoners involved.

Should the escape be discovered while in progress or has already happened, the plan must include instructions for sounding the alarm. This can be by telephone, intercom, or radio. The office of the Sheriff and of the police department should be among those to be notified.

Mobilization of Resources: The addresses and telephone numbers of jail personnel should be readily available so that off-duty personnel can be called in.

Certain assignments and maintenance operations that must be continued during an escape emergency should be identified so that personnel will know which assignments to keep and which to abandon.

Special post assignments should be identified which should be set up during an escape emergency. Written orders should be prepared for them, specifying what equipment or weapons are required, and detailing the duties of the person assigned to each such post.

Descriptive information and identification pictures prepared for prompt distribution and for mailing to surrounding jurisdictions should be prepared.

All law enforcement agencies in the surrounding area should be notified by telephone or by radio. A list of their telephone numbers should be on hand.

The escape plan should also define the part other law enforcement agencies can play. This should be worked out in advance, of course, and all of the agencies to be contacted should be given a copy of the escape plan.

The news media must be informed of the details of the escape, including the identity of the prisoners involved and any other information that may be helpful in their apprehension.

If posts other than first-emergency posts are to be manned, they should be identified and written orders for each prepared. Persons assigned to these posts should be given the following information, if it is available or as it becomes available:

1. The time of escape.
2. The method used.
3. Whether a car was used.
4. Direction of travel.
5. Any other information that will help to pinpoint the search area.

If the posts are located beyond the immediate vicinity of the jail, post orders should include a map of the area, local bus schedules, the duties to be performed, location of the nearest telephone, and a schedule as to when the post will be relieved.

A command post, usually to be located in the Jailer's office, should include adequate communication equipment. One telephone line should be kept clear for calls from outlying posts or to relay messages. The person in charge of this post should be authorized to provide information to the news media and to answer inquiries from law enforcement agencies and other persons.

If at all possible, an investigation of the escape should begin while the search is in progress. This includes searching the living quarters and property of the escapee for evidence that may provide clues for the search. Both staff members and prisoners who know the escapee well should be interviewed for any information that might shed light on the escape.

The escape plan should state clearly that should an employee be taken hostage that orders from such employees, given under duress, are not valid. Prisoners still in the jail or the immediate vicinity who are holding a hostage should not be permitted to escape. It must be borne in mind that the danger to the hostage is increased once the escapee is free of the jail.

Careful consideration must be given to the circumstances in which weapons may be used. Use of weapons should be authorized only by the Jailer or the person designated by him. Weapons should be authorized only if there is little chance that they will be taken from the officers, and only persons trained to handle them should use weapons.

Ending the Alert: When the decision to discontinue the search is made all participating law enforcement agencies, the news media, and other persons who were notified of the escape, should be informed. The procedure should be followed also if the escapee is caught.

A photographic record should be made of any property damage, such as cutting of bars or window sash. Any other evidence should be gathered and given to the prosecuting attorney.

It is best if the apprehended escapee and other suspects be interviewed only on the advice of the prosecuting attorney. This is necessary to insure that their rights are not violated and that the case against them is not compromised.

Post Escape Procedures: An escape indicates a weakness in the jail security system and the system must be reviewed to discover and correct the weakness. All persons engaged in the escape emergency should prepare written reports.

Department For Human Resources regulations issued under authority of KRS 211.920 to KRS 211.945 (Confinement Facilities Health Act - 1974), require that a written plan be adopted for emergencies such as escape. An escape plan drawn on the basis of the standards set forth in this discussion will meet DHR requirements.

A1.14 Riots. Jail and correctional administrators have identified some general causes of riots, or disturbances. Jail conditions such as inadequate food, attitudes of jail personnel, cleanliness, and programs of various kinds contribute to prisoner morale and reduce the possibility of riots.

Crowded conditions produce tensions which may set the scene for disturbances even in a well-managed jail.

Disturbances are usually defined as two types: fights between two or more groups of prisoners; hostile, aggressive behavior directed at jail personnel or the physical plant, or an attempt at a mass escape. Both kinds of disturbances can result from prisoner dissatisfaction with jail conditions.

Certainly different methods of control and prevention are required for these two types of disturbances. However, once a disturbance starts, the measure taken to regain control may be the same, regardless of its type or what caused it.

Each jail should have a plan for handling disturbances of any kind. The plan must be kept up to date and all personnel made familiar with it. A complete review of the plan should be made at least once every 6 months.

The riot plan should have the following priorities:

Safety of the community

Safety and welfare of hostages

Prevention of loss of life or injury of personnel

Welfare of the rioters

Protection of property.

The first objective of riot control is containment. If this is not done a riot may spread to other parts of the jail and a large number of persons may be required to control it and much more property may be damaged.

Personnel should also be aware that in even the worse riots, most prisoners do not wish to be involved. The procedures for controlling a riot must include plans for allowing inmates who are not involved to get to safety.

Each riot situation is different and it is not possible in this Manual to set forth a detailed plan for all jails. However, experience has shown that certain guidelines can be useful.

Containment, as stated before, this is the first step in quelling a riot.

Establishing Control begins as soon as the disturbance has been confined to one area. If the rioters are attacking only their physical surroundings, just letting them run out their energy within the confined area may be all that is necessary.

However, if prisoners are fighting each other, steps must be taken to prevent serious injuries. In such cases, and when property damage results in fires, the rioters must be subdued.

There are a number of ways to subdue rioters:

Use of Force: There must be enough staff members, or other personnel, to physically subdue the rioters. Any riot control plan should include calling on outside assistance, the city police or the county sheriff and staff, to assist jail personnel in riot control. (Sec A1.36 is a discussion of the use of physical force).

Riot Squads: In larger jails with sufficient personnel, certain of them should be trained as a squad to meet a riot emergency. The riot plan should set forth their duties and the kinds of equipment and/or weapons they are to be issued and under what conditions.

Use of Gas: The riot plan should include using gas in situations where other methods may be too hazardous. Sufficient gas should be used to break up a group. That amount should be used in the first attempt. Provisions must be made for the exit of those rioters who want out. Further, a squad equipped with gas masks should follow-up quickly so that the rioters cannot regroup after any split off upon being gassed.

The Jailer should know in advance the amount of gas needed for use in various areas. Obviously, the amount of gas needed in a housing unit will differ from the amount needed in a larger area inside or outside.

The riot control plan should also indicate who may authorize the use of gas. The Jailer would be the logical authority for this.

Water: Cold, wet rioters soon lose their enthusiasm. Hoses should be stored securely, and checked often. Water can be used to quench fires started during a riot as well as to quell rioters. Water under high pressure should be used on prisoners in only extreme situations.

Firearms: Guns should be used only as a last resort, when other methods of containment have failed or when there is a serious possibility of escape. Authority for the issue of weapons must be the Jailer or a Deputy Jailer authorized by the Jailer.

Guns should be used only by persons who have been trained to use them.

It must be kept in mind that when guns are taken into the jail while a riot is going on, there is a chance of their being taken by prisoners.

Post-Riot Procedures: After a riot has been controlled the following steps should be taken:

1. Head court made to determine if any prisoners have escaped.
2. Damaged security windows, doors, locks, and bars repaired as quickly as possible.
3. All prisoners who took part in the riot segregated from others and extra supervision given to make sure the riot doesn't begin again.
4. Clean up operations started at once.
5. All non-essential activities can be suspended, if the Jailer believes it is necessary to do so.
6. Meal schedules can be rearranged so that prisoners are taken to the dining hall in small groups or all are given meals in their living quarters.
7. Each employee who saw the riot should prepare a report on what he saw and identify prisoners who took part. Any information as to possible causes of the riot should be noted. If he drew a firearm or used one or used gas in line of duty he should also report it. Photographs of damaged areas and property should be made.
8. The Jailer and his staff should meet and consider what should be done to prevent another riot.
9. The riot control plan should be reviewed and changes

made if the experience of the riot indicates changes.

On the following pages is an outline of a Disturbance Control Plan which can be used as a model by a Jailer in drawing a plan for his jail. Assistance in preparing the plan may be obtained from the District Jail Consultant. The adoption of a Disturbance Control Plan is required by Department For Human Resources. Regulations of the DHR in this connection are in Section E4 (7) of this Manual.

Outline of Disturbance Procedures Plan

1. Purpose: To establish policies and procedures for deal-with disturbances at the ________________County Jail.

2. Cancellations: This order shall suspended and cancel all previous orders on this subject.

3. Definitions: For the purpose of this order, there will be two classifications of disturbances-

A. A major disturbance is any act by a group of prisoners contrary to the good order and safety of the ________________ County Jail, which, in the judgment of the Jailer or Deputy Jailer at the scene, cannot be brought safely under control by the use of personnel on duty without serious injury to employees or inmates.

B. A minor disturbance is any disturbing act by a prisoner or prisoners which, in the judgment of the Jailer or Deputy Jailer at the scene, can be safely controlled by personnel on duty without risk of serious injury.

4. Authority: In any disturbance the highest ranking officer on duty will take charge, make decisions, and issue orders until a higher ranking officer arrives and takes command.

5. Objectives: To provide a plan for safely dealing with disturbances in such a way as to minimize chances of injury to employees and prisoners, and destruction of property.

6. Goals: Whenever a disturbance occurs, the goals are:

A. To contain the order to as small an area as possible, thereby reducing the number of prisoners taking part and preventing the spread of anger and excitment to other parts of the jail.

B. Remove employees from danger of becoming hostages until additional help is assembled.

C. To provide an opportunity for non-participants to leave the area, taking care to evacuate them in small enough number so that they can be safely controlled.

D. To bring the disturbance under control with a minimum use of manpower and a minimum use of force, and by calm professional tactics so as to maintain, as nearly as possible, the respect of prisoners for staff.

7. General Procedures. Whenever the ranking officer on duty determines that there is a major disturbance, he should take the following steps, except that he may vary the order

of the steps as circumstances dictate, and may, in fact, modify these procedures and take other steps if his judgment indicates they are needed.

A. Stop all prisoners movements and to secure their area.
B. If it can be done without exposing other officers to danger of capture, remove all officers from among the disturbing prisoners.
C. Lock all doors leading to the area of the disturbance confining the disorderly prisoners to as small an area as possible.
D. Telephone the sheriff and/or Chief of Police and any other officials or agencies who will lend assistance.
E. To the extent that personnel is available, assign armed officers to the outside of the jail to prevent escapes from windows and doors of the disturbed area.
F. Attempt to speak with prisoner leaders or spokesmen of the disorderly or resistive group, to find out what the problem is, try to resolve it, urge them to peacefully return to their quarters.
G. If the number of inmates involved is large or if there is violent or destructive disorder, the ranking officer on duty should begin to call off-duty officers to report to the Jail to assist in controlling the disturbance. If the group of inmates to be controlled are passively resistive, this call-in of off-duty employees should await the arrival of, and consultation with, higher ranking officers.
H. As soon as it can be safely done, permit nonparticipating prisoners to leave the disturbance area in small groups, or singly, if necessary, have them carefully searched, and placed in secure areas.
I. As help begins to arrive, appoint a staff member who has knowledge of crowd control and use of emergency equipment as a Task Force Commander to begin forming control groups, instructing them as to tactics to be used, and issuing and instructing in use of batons and other gear.
J. If all attempts at peaceful resolution fail, finalize plans for removal of prisoners from the disturbance area with the Task Force Commander and his groups, and proceed with the removal in a calm, professional, and systematic way with a minimum use of force and minimum risk of injury to employees or inmates.

8. Other Instructions: In addition to the several steps of General Procedures, the following instructions cover several other considerations in disturbance control:

A. Use of Firearms - When in the judgment of the ranking officer, firearms are to be used in disturbance control, the weapon should be aimed to warn. Only to prevent the escape of felons or to prevent serious injuries to employees or inmates should shots be fired to disable and halt.

B. Use of Chemical Agents - Gas should be used only on orders of the Jailer or the person designated by the Jailer.

C. Outside Assistance - When outside assistance has been summoned as described in Paragraph I, General Procedures, they will receive their instructions from the appointed Task Force Commander.

D. Exterior Security - Whenever officers are dispatched to outside areas of the Jail as described in Paragraph E, General Procedures, consideration should be given by the ranking officer to placing an armed officer on the roof, as well as at other strategic points, if sufficient manpower is available.

E. Removal Procedures - When a judgment has been made to forcefully remove inmates from any area of disturbance, ranking officers and the Task Force Commander must plan their formation and maneuvers most carefully. While the numbers of personnel to be used will vary according to the area and number of prisoners to be cleared, the following should be considered as general guidelines:

(1) Forceful removal should not be attempted until there is sufficient manpower to minimize the risk of serious injury to prisoners or employees.

(2) Employees should be armed with batons and carefully instructed in their use. They should be shown how to jab, prod, and fend off blows and instructed never to "swing from the heels".

(3) Baton squads should be formed with not more than 10 or 12 men in each. Each squad should be led by a person trained in riot formations and techniques. The number of squads formed may be determined by the number of trained squad leaders available.

(4) If shotguns or gas weapons are to be taken to the disturbed area, employees bearing them must be very securely protected by baton squads.

(5) Each squad should be most carefully instructed as to its positioning, the direction in which it is to force prisoners, warned against becoming engulfed by rioters, and instructed as to secondary position or maneuvers in case their first one is unsuccessful.

(6) Prisoners must be given an avenue to be moved from the disturbed area to a predetermined secure area. Sufficient officers must be stationed along the movement route and in the reception area to maintain control.

(7) Sufficient restraining gear should be on hand to manacle the most violent, enraged, or hysterical rioters.

(8) In large areas, such as the dining room or recreation areas, inmates should be moved toward their cell blocks and finally into their cells.

F. Maintenance Responsibilities - During a disturbance, it may become necessary to shut off certain utilities to prevent damage and waste, or to make emergency repairs. All critical valves and switches should be known in advance to all Jailers and Deputy Jailers.

G. Hostages - We must first recognize that as operational personnel of the Jail we are all vulnerable to be taken hostage in the routine daily operation of this facility. We could not effectively operate the Jail if we were constantly taking measures to avoid a hostage situation from developing among our male employees during routine operational activities. However, every reasonable precaution should be taken to avoid female employees or visitors being placed in a high risk hostage situation. It is also the responsibility of the supervisor to take measures to protect all male employees from becoming hostages in the event disorder breaks out. In the event a hostage is taken, the hostage, regardless of position or rank, loses all his authority as a result of his hostage status.

It shall be our policy to attempt to negotiate, cajole or otherwise influence the hostage takers to release a hostage.

In situations in which the life of a hostage is in present danger, deadly force may be employed if it is considered necessary by the supervisor to save the life of or prevent serious injury to the hostage.

H. Notification of Officials - Whenever there is any incident that results in injury to employees or inmates, or even a minor disorder which is easily handled by personnel on duty the Jailer should be advised at once.

I. Written Reports - In the event of any disturbance or disorder, all employees who have knowledge of the incident shall submit written reports of their observations before going off duty on the day of the incident.

J. Continuous Familiarization- All employees shall read this plan each six months and sign a record sheet certifying that they have read and understand the plan. At each reading, they shall clear up any possible misunderstanding through discussions with the Jailer.

K. News Media - The Jailer shall keep the news media representatives advised.

A1.15 Fire. The objectives of the fire emergency plan is to prevent fires by identifying fire hazards and to protect personnel and prisoners during fires.

In developing a fire plan the Jailer should include the fire marshal and other officials, such as the police.

The adoption of a fire plan is required by regulations of the Department For Human Resources which states that the plan shall outline the responsibilities of jail personnel, and action to be taken with or for inmates. Based on the size of the jail, an adequate number of fire extinguishers shall be provided and shall be examined from time to time in accordance with regulations of the State Fire Marshal office.

The fire emergency plan should contain the following:

Annual fire inspection by the fire marshal.
Fire exits to be marked.
Regularly scheduled inspections of fire extinguishers, hydrants and water valves, and fire hoses.
Inventory of keys and hydrant wrenches and their location.
Arranging for an area outside the jail into which prisoners can be moved, if necessary.
Training of jail personnel in fire prevention and control.
Listing of agencies that can be called for assistance should a fire emergency happen.

Regulations of the Department For Human Resources require that a written emergency plan be adopted relative to fires, and that all confinement facilities comply with applicable requirements of the State Fire Marshal's office and the Department of Labor relating to safety. The Jailer should obtain a copy of the requirements of the State Fire Marshal and the Department of Labor. The DHR regulations are in Section E4 (7) of this Manual.

A1.16 Civil Emergencies. The jail has a key role to play in civil emergencies and plans must be developed to implement that role.

For purposes of this discussion we shall be concerned with two kinds of civil emergencies: civil disorders and civil disasters.

Civil Disorders involve persons in the community who, as a crowd or mob, engage in disruptive or riotous behavior endangering the lives of other persons or public and private property. The objectives of a plan for civil disorders are to provide personnel to assist in riot or crowd control; provide detention space for large groups of detained persons; and process large numbers of persons being detained. For the last named objective, expert assistance may be required. Just where this assistance is located and how to make contact should be stated in the plan.

Additionally, the plan for civil disorders should be drawn up in coordination with the city or county plan.

Planning for civil disorders must take into account the following:

1. Existing space in the jail must be looked at to determine how many and what kinds of detainees can be handled. Since a detainee population may include juveniles and women, a decision must be made as to whether and how they can be detained. If the jail cannot house the expected population, an emergency detention area must be found.

2. Operating procedures must be looked at to determine what changes will be needed to process and control large numbers of people. It must be kept in mind that due process of law must be followed and that persons detained may be eligible for release on bail; have the right to contact attorneys; must be scheduled for court appearances; have a need for correspondence and visits, and, of course, must be given meals.

3. If it is decided that the jail cannot handle detainees in civil disorders, an emergency detention center must be selected. New procedures must then be developed. For instance, a staff member should be designated as the person to be in charge of the emergency detention center; orders must be written so that all persons assigned to operate the center will know what they are to do and how to do it. Office equipment that can be used in the center must be located. Advance planning must be

made with the phone company for installing communication equipment on short notice.

Should it be necessary, employees assigned to the jail riot squad can be made available to the local law enforcement authorities for crowd control. Planning for this, of course, needs to be made with those authorities. The personnel needs of the jail during a civil disorder emergency must be taken into account. It could be that no personnel could be spared for this purpose.

Another type of civil disorder is provided for in KRS 432.510. That statute is concerned with the protection of prisoners; the power of a person having custody of another to summon citizens for assistance, and the authority of a Jailer to arm threatened prisoners for their own protection when the Jailer has reasonable grounds to believe that the jail will be attacked by a mob or persons confederated or banded together to inflict violence upon any prisoner.

Civil Disaster is a situation brought about by a natural cause, such as earthquake, tornado, hurricane, or flood. The objective of a plan for civil disaster is to provide personnel, prisoners, and physical resources of the jail to assist the community in meeting the emergency.

Planning for a civil disaster will be concerned with the kinds of assistance jail personnel and prisoners can offer, for instance: fight fires, man rescue operations, or fill sandbags and strenghten levees in a flood disaster. The jail might be used as a command post if it has an extensive communication system (such as a radio); provide temporary housing for victims of the disaster; and provide emergency food service.

The regulations of the Department For Human Resources, issued under authority of KRS 211.920 to KRS 211.945 (Confinement Facilities Health Act - 1974), require that a written emergency plan be adopted relative to major rebellions and major disasters. The regulations are in Section E4 (7) of this Manual.

A1.17 Employees: KRS 71.060 provides that subject to KRS 64.345, any Jailer may appoint two Deputy Jailers, and may appoint more with the approval of the County Court.

KRS 64.345 states that in counties with a population over 75,000 the number of Deputy Jailers allowed shall be fixed at a reasonable number, upon motion of the Jailer, by an order entered upon the order book of the Circuit and County Courts. The compensation to be allowed the Deputy Jailers shall be likewise fixed by the Court and is to be paid monthly by the State Treasurer upon warrant of the Department of Finance made payable to the Deputy Jailer.

In counties whose population is less than 75,000 the Deputy Jailers shall receive a compensation fixed by the Fiscal Court. That compensation may be reviewed and adjusted by the Fiscal Court not later than the first Monday in May of the year of the Jailer's election, and in May of any following year, upon request of the Jailer. (Sec C3:72-19).

In a 1972 opinion, the Attorney General stated that in counties of less than 75,000 population when the Fiscal Court has established the number and compensation of Deputy Jailers and Matrons, the selection of persons for those positions is vested in the Jailer. (Sec C3:72-118).

In Moody v Duerson Ky 133 S.W. 2d 712 (1939), the Court of Appeals held that a Deputy Jailer is not protected by Sections 161 and 235 of the Kentucky Constitution which state that the compensation of public officers shall not be changed during their term of office. The Court of Appeals ruled that since the Deputy Jailer serves at the pleasure of the Jailer his compensation may be changed as indicated in a prior paragraph.

A Jailer may appoint a Deputy Jailer to fill a vacancy without permission of the Fiscal Court. If the Fiscal Court does not or refuses to fix the salary, the Deputy Jailer shall be paid the same salary as the former Deputy Jailer received.

If there have been no county Deputy Jailers in the past, the Jailer may appoint two Deputy Jailers and a Matron without approval, but the Fiscal Court has the authority and the duty to set the salary of the Deputy Jailers. (Sec C3:73-469).

KRS 71.060 gives any Jailer, subject to the provisions of KRS 441.230, the right to appoint a respectable woman to care for and have supervision over the female prisoners subject to the orders of the Jailer. The woman so appointed shall be called Jail Matron and receive a salary to be paid in the same manner as county Deputy Jailers.

If females are to be detained by a city of the First Class in the county jail, KRS directs the Jailer to appoint two women as matrons, one to be called Police Matron, the other to be called Assistant Police Matron. As of June, 1975, KRS 441.230 affects only Louisville-Jefferson County.

With regard to other counties the Court of Appeals in Funk v Milliken Ky 317 S.W. 2d 499 (1958) found that KRS 71.060 which creates the matron positions gave the Fiscal Court the power to fix their salaries which must be done on or before the first Monday in May in the election year.

The Jailer may also employ persons to help operate his office. KRS 64.345 provides that in counties with a population over 75,000, the State Treasurer shall pay the employees' salaries each month out of the fees paid into the State Treasury.

In counties with less than 75,000 population, KRS 64.530 says that the Fiscal Court shall fix the compensation of employees.

If the Fiscal Court hires the jail office employees, they are considered to be county employees and are paid by the county.

However, if the Jailer himself employs a cook or other assistant then the Fiscal Court may set a salary. If the Fiscal Court does not fix a salary, the salary will be paid out of the excess fees.

Since the Jailer may not have any excess fees with which to pay a jail employee, it would be better for him to have the Fiscal Court hire his assistants and pay them out of county funds.

If the Fiscal Court cannot pay or refuses to pay a jail employee, the Jailer may have to pay the employees out of his fees or from the salary he receives.

A1.18 Personnel Management. The jail officer is no longer merely a keeper of keys and bodies. The emphasis now given to the protection of prisoners' rights places great responsibility on the jail staff. The Jailer of today must give considerable thought and attention to personnel management if he is to be successful in recruiting and retaining qualified employees.

The Jailer should organize his staff on the basis of areas of responsibility, such as security, programs, services, and business management.

The duties of each staff member should be clearly described and should spell out the skills and specialities involved.

Rules of the jail, including policy, operations, and procedures, should be printed and made available to all personnel.

The personnel needs of any jail will depend upon many factors such as the size of the jail, and special problems which may be created by the physical layout of the jail. Basic minimum standards for personnel recommended by The National Sheriffs' Association are:

1. Each jail should have sufficient personnel to provide adequate round-the-clock supervision of prisoners. No person should be confined in a jail without an officer on duty, awake, and alert at all times. There should be a minimum of one jail officer for every individual floor of detention area, and sections of floor wherever separations by walls occur or where supervision by sight or sound cannot be made by one officer. Whenever a female prisoner is confined in jail, a Matron should be on duty, awake and alert at all times.

2. Each jail should also have sufficient professional staff whose funtion is to counsel and educate the prisoners and provide the appropriate services to meet their needs. Jail officers should also be involved in the treatment programs for the prisoners.

3. If selection and appointment of personnel is not made by the merit system, then officials responsible for selecting jail staff must apply standards requiring physical fitness, experience, aptitude, a minimum of a high school education (or equivalent), training and good character. All applicants should be the subject of a thorough background investigation including an examination by a psychologist to determine qualifications for working with inmates. Special emphasis should be placed on honesty, industry, and intelligence. Persons who are sexual deviates, drug addicts, alcoholics, emotionally unstable, or who have an unsatisfactory record of

payment of debts should not be employed as jail officers. There should be at least a six months probationary period on the job before appointment is made permanent. Protection should be afforded to conscientious personnel against loss of jobs during changes of administration. They should be retained on their proven ability to perform the required duties on the job.

4. An individual performance program should be established to correct minor deficiencies and inadequacies of jail staff and provide guidance where necessary.

5. Opportunities for promotion should be provided by objective individual development and performance evaluation of jail personnel by the sheriff, jail administrator, or immediate supervisior. The criteria for evaluation should include job knowledge, productivity, efficiency, initiative, and use of time. The candidate for promotion should have had above average performance evaluation for the previous year and should be in acceptable physical condition.

6. Personnel assigned to work in the jail should meet the same physical standards as other officers. Jail officers may be required to subdue violent prisoners, to stop assaults, and to disarm prisoners. The practice of assigning disabled or aged officers awaiting retirement to jail duty should be discontinued. It is recommended that an annual physical examination be given for all jail officers.

7. Sixty-five should be the absolute maximum age limit for jail officers having custodial duties, but a lower maximum age limit perferably between 50 and 59 years of age should be encouraged. Retirement policies governing other personnel should be given consideration when determining retirement for jail custodial personnel.

8. A written manual of policies and regulations for the operation of the jail should be given each employee of the jail.

9. The operation of a jail is a specialized function within the general field of Corrections which requires specific knowledge and skills. Every new jail officer should undergo a period of orientation and training. This training should be for a minimum of two weeks. During this period the following subjects should be covered: the daily operation plan of the jail, correctional philosophy, and the basic professional skills of a jail officer. The State jail consultants, inspectors or training officers should make their staff available to assist in organizing and implementation of the orientation and training program of any facility. Continuous in-service training should be given jail personnel. Staff conferences, selected reading material, the jail manual, and National and State jail standards may be used as the basis of training. Jail officers should be required to take and successfully complete the jailer training course offered by the United States Bureau of Prisons, Washington, D.C. or a comparable training course on an in-service basis within six months from the time of employment.

10. Female correctional officers should be included in the training programs and also provided with specialized courses to meet detention needs of female prisoners. (The NSA conducts courses for female sheriffs officers).

11. For each jail with ten or more employees, a training officer should be designated.

12. Jail staff should be encouraged through incentive pay, credit toward advancement, increased responsibilities, or participation in new programs to take courses in the field of correction at available universities and community colleges and earn associate or bachelor degrees.

13. Other criminal justice agencies, disciplines, and resources in the state and/or county should be invited to conduct training programs for jail personnel. Among these are judges, state's attorneys, probation and parole officers, correctional administrators, mental health and public health staff, public and private social and welfare agency personnel. (In Kentucky, the Jailer may participate in training programs conducted by the Bureau of Training, Department of Justice).

14. Salaries should be commensurate with the responsibilities placed upon jail officers and should be at least equal to Deputy Sheriffs. They should be high enough to guarantee continuity of service, and merit increases should also be provided.

15. Procedure to deal with employee disciplinary matters and special personnel problems should be established if not covered elsewhere in the county system.

Book Two, Personnel and Fiscal Management, of Jail Management, an independant study course for Jail Administrators, prepared by the U.S. Bureau of Prisons, contains excellent material on personnel management with which the Jailer should be familiar. Likewise for the booklet titled Jail Administration, published by The National Sheriffs' Association.

Since the Jailer is liable on his official bond for the conduct of his Deputy Jailers and they have all the powers of a Jailer (Sec B: KRS 71.060), it is also to the best interests of the Jailer that his personnel be qualified. Sound personnel management policies can assure that personnel retain their original qualifications and gain additional skills. As a minimum, each Jailer should complete the two programmed instruction courses prepared by the U.S. Bureau of Prisons, which are available through the Jail Consultant Service, Bureau of Corrections Kentucky Department of Justice. (Sec D4 and Sec D5).

The Jailer should insure that each employee is familiar with all rules and regulations of the jail which pertain to such employee regarding the care, treatment, custody, and control of the prisoners under his supervision. Rules and regulations suggested by the National Sheriffs' Association to be in writing and posted are:

1. Each employee should keep himself completely informed and shall comply with jail rules and regulations and policy changes.

2. Jail officers should be thoroughly acquainted with all security features of the jail and also the emergency and defensive equipment.

3. Jail officers should be prompt in reporting for work, and be regular in attendance.

4. Jail officers should realize they occupy a position of great responsibility toward society as well as towards the prisoners and should therefore conduct themselves in an exemplary manner at all times. Each jail officer should keep himself physically fit, mentally alert, personally neat and clean and shall perform his duties fairly and impartially, and otherwise conduct himself both on and off duty so as to command the respect of prisoners, fellow employees, and the general public.

5. Jail officers should not discuss jail management and operations with prisoners or outsiders unless designated as the approved spokesman for the jail.

6. Jail officers should be alert to detect any unusual incidents occurring in the jail and to prevent contraband (such as liquor, weapons, drugs, and all other banned items) from entering the jail by any means. Any knowledge of such contraband within the jail should be immediately reported to superior authorities.

7. No jail officer should report for duty or exercise supervision or control over inmates while under the influence of drugs or alcohol.

8. Jail officers should not use profane or abusive language in handling or dealing with inmates or otherwise abuse inmates.

9. Jail officers should treat all prisoners in a fair and just manner and abstain from preferential treatment.

10. Unauthorized persons should not be permitted on the jail premises.

11. Jail officers should not engage in distracting activities such as reading or watching television while on duty.

12. No gifts should be accepted or given and no trading or bartering should take place, at any time between officers and prisoners or their families.

13. Jail officers should listen to and counsel prisoners as this is considered a part of their job.

14. No jail officer should recommend or furnish any advice concerning the retention of a specific lawyer or bondsman. However, resources where legal assistance may be obtained -- Bar Association, Legal Aid Society, Public Defenders Organization should be made available for an inmate or for anyone in his behalf.

15. No jail officer should apply physical force to the person of an inmate, except and only to the extent that it reasonably appears to be necessary to do so in self-defense, to prevent escape, to prevent injury to a person or to property, to quell a disturbance, or when the inmate exhibits physical resistance to a lawful command. In such cases, a written and signed report should be made by the jail officer to the jail administrator who carries the ultimate responsibility and who will determine need for further investigation. It should be noted, however, that each employee has a right and duty of self-defense and an obligation to intervene and to use force in the event of an assault on any prisoner or employee.

16. Outside employment (moonlighting) must not conflict with the objectives of the jailers job and such work should not be undertaken without the knowledge of the administrator.

A1.19 Food Service: The purpose of this discussion is to provide guidelines for the efficient management and operations of the jail food service.

KRS 71.040 requires the Jailer to furnish prisoners with proper food and lodging during their confinement.

KRS 64.150 says that the Jailer shall receive $4.25 per day for keeping and dieting a prisoner whether he is committed by the city, county, or state and charged for either a misdemeanor, felony, or contempt.

These statutory rates are part of the Jailer's compensation allowed to him as Jailer and must be paid to him. In Breathitt County v Cockrell Ky 63.S.W. 2d 920 (1933), the Court said that the dieting of prisoners is within the category of governmental expense and it was the mandatory duty of the Fiscal Court to provide for payment. It was held that the Jailer's fee must be paid before the payment of a county's permissible debts.

The dieting fees are very important to the Jailer since out of those fees he must purchase food to feed the prisoners. In order to meet the mandate of KRS 71.040 to furnish prisoners with proper food he must have the funds with which to buy the food.

In Funk v. Milliken 317 S.W. 2d 499 (1958) the Court provided the procedure under which the Jailer should report dieting fees. In this case the Jailer purchased food from himself that he had produced on his farm. The Court said:

> We think the question is simply one of the reasonableness of the expenditure for food.

The Court also found that any difference between the fee paid for dieting the prisoners and the reasonable cost of food is compensation to the Jailer. The Court then ruled:

> It is our opinion that when a jailer purchases food from himself the expenses should be treated ---invalid. The burden then is upon the jailer to show convincingly that the price paid did not exceed the prevailing price from normal suppliers. Records should be produced to show the date of each purchase, the product and quantity, and there should also be satisfactory evidence concerning quality, which is an important controlling factor in the price of food.

In Talbott v. Caudill Ky 58 S.W. 2d 385 (1933) the Jailers of Floyd, Fleming, Franklin, and Oldham counties joined in a suit and claimed they were entitled to the entire statutory fee for keeping and dieting prisoners regardless if given one, two, three, or no meals during incarceration. The Court ruled:

> It is the common- law rule that judicially a day is the whole or a part of the period of twenty-four hours, from midnight to midnight. It is our opinion that ... a jailer is entitled to (his statutory fee) of keeping a prisoner each day regardless of whether he remains in jail the whole of the day or part of a day, or is given any diet.

According to this ruling, if a prisoner is committed to the jail at one minute before midnight and released one minute after midnight the Jailer is entitled to two days keeping and dieting fees even if the prisoner was not fed.

The Jailer may not claim any reimbursement for his meals or those of his employees from the fees for dieting prisoners.

The regulations of the Department For Human Resources, issued under authority of KRS 211.920 to KRS 211.945 (Confinement Facilities Health Act - 1974), set nutrition standards for all prisoners in all types of institutions. Those regulations are in Section E of this Manual. The nutrition standards are in Section E3 (4). All Jailers and jail personnel should be thoroughly familiar with the nutrition standards.

Additionally, the Department For Human Resources, under authority of the statutes mentioned in the foregoing paragraph, has set environmental standards to control the environmental aspect of the health of persons confined in State and local confinement facilities. Those standards are in Section E4 (15) of this Manual. The standards refer to the food service provisions of the Kentucky Hotel and Food Service Establishment Act of 1972. Each Jailer should obtain a copy of the last mentioned standards so that the food service of his jail will be in compliance.

The foregoing provides the statutory, regulatory, and case law basis and background of the jail food service.

Food service is of the utmost importance for the health and welfare of prisoners. It has a significant role in security and control due to its effect on prisoner discipline and morale. The entire jail climate often is determined by the food program.

Poor food has been identified as one of the most frequent causes of jail and prison riots, and there is little doubt that poor food is an important factor in prisoner discontent.

Providing adequate and wholesome food presents a challenge to the Jailer. Lack of proper management in food preparation can be very obvious. It is a truism that prisoners may reject many or all other programs but few decline to participate in the food service program.

A good food program calls for three meals each day, spaced at reasonable intervals, adequate in quantity, and nutritionally balanced with careful attention to variety, well prepared and attractively served, and provided at a moderate cost.

The following publications contain information the Jailer should consider and use as guidelines in establishing the food service in his jail. The considerations have been drawn from the experience of many Jailers operating jails of all sizes throughout the United States.

Food Service in Jails and Sanitation in Jails - both published in 1974 by the National Sheriffs' Association. (See Section D3, The National Sheriffs' Association for information regarding the price of these booklets.)

Administration of Jail Operations, Book One, an Independent Study Course for Jail Administrators, prepared by the U.S. Bureau of Prisons. If the Jailer has not taken this course, it is recommended that he do so. (Sec D5).

The Food Service Administrator, Bureau of Corrections, may be contacted by the Jailer for assistance and guidance in the development of an efficient and economical food service.

A1.20 Forthwith, Definition of: Under the old Criminal Code it was stated that an arrested person must "be carried forthwith before the most convenient Magistrate". In the present Rules of Criminal Procedure (Sec C4: 3.02) the word forthwith has been changed to without unnecessary delay.

The Kentucky Court of Appeals, in Rosenburg v Bax Ky 258 S.W. 2d 458 (1953), interpreted forthwith as follows:

> ".....that the term 'forthwith' does not necessarily mean immediately, but within such time as is reasonably requisite, and what is a reasonable time is to be determined from the facts of the particular case."

The foregoing can be accepted as a guide in determining the meaning of without unnecessary delay, but the Jailer must keep in mind that there is no set time limit a person may be held that is beyond a necessary delay. (See A1.1 for related discussion.) (See also Sec C3:62-765).

A1.21 Inspections: Persons committed to a jail are entitled to sanitary surroundings free from communicable disease, and facilities for maintaining personal cleanliness.

KRS 71.020 gives the County Jailer the custody, rule and charge of the jail in his custody.

KRS 71.030 states that the Jailer shall keep the jail comfortably warm, and clean and free from nauseous odors.

KRS 71.040 states that the Jailer shall furnish prisoners with proper food and lodging during their confinement.

KRS 211.920 to KRS 211.945, Confinement Facilities Health Act (1974), states that the Department For Human Resources shall have the authority, power, and duty to set forth rules, regulations, and standards regarding the public health or health aspects of the operation of state and local confinement facilities, including the establishment of environmental standards.

Sections E2, E3, and E4 of this Manual contains the DHR rules and regulations.

The DHR has authority under KRS 211.920 to KRS 211.945 to enter upon the premises and inspect any state or local confinement facility for the purpose of determining the extent of compliance with those statutes.

The statutes also state that 6 months after June 21, 1974, no person responsible for the supervision or maintenance of a state or local confinement facility shall knowingly cause or permit such facility to be operated in violation of the rules, regulations, or standards promulgated by the Department For Human Resources under authority of KRS 211.920 to KRS 211.945.

Section E4 of this Manual concerns environment standards for jails. Paragraph 11, Housekeeping, states that all parts of the confinement facility shall be kept neat, clean, and free of litter and rubbish.

Additionally, KRS 441.010 states that the County Judge shall inspect the jail at least once a month.

The Jailer has the responsibilities for housekeeping and sanitation of the jail. He should frequently inspect the sanitary conditions of the jail and the personal cleanliness of the prisoners. Jail employees should be trained in conducting inspections. All cleaning materials should have the approval of the city, county, and state health officials.

The Jailer may wish to appoint a Deputy Jailer to be the officer in charge of sanitation and safety inspections.

Book Four, Supervision, of the programmed instruction Training Course for Jail Officers titled Jail Operations, has information regarding inspections; as does Book One, Administration of Jail Operations, of the independent study course for Jail Administrators titled Jail Management. Both are published by the U.S. Bureau of Prisons. (Sec D4 and D5).

The booklet titled Sanitation In The Jail, published by The National Sheriffs' Association, should also be referred to by the Jailers and his staff. (Sec D3).

Attention to all of the foregoing information is important to the Jailer since he is required by statute and regulatory standards to maintain certain standards of sanitation and safety.

Paragraph 17 of Section E4 of this Manual, states that on the effective date of DHR regulations set in accordance with KRS 211.920 to KRS 211.945, that existing confinement facilities which do not fully meet the design and construction requirements, unless otherwise required by law, shall be allowed to operate so long as the facilities are capable of being maintained in compliance with the other requirements of the regulation in a safe and sanitary manner and with no public health hazard existing.

A1.22 Rules: Rules are an expression of official expectations about prisoner conduct. Written rules, properly interpreted, make it clear to a prisoner what behavior is correct.

If the officials are overly concerned with prisoners behavior, this concern will be shown in a long list of rules which are rigidly enforced. The result will be many disciplinary reports and a tense jail climate. If there are many rules, it is almost impossible for a prisoner not to break one or more.

Rules are standards of conduct that the staff can use to judge a prisoner's behavior. Without rules, each staff member would apply his own standards and much confusion and frustration would result. For example, what one officer might consider normal talking, another would consider loud. What one might view as youthful horseplay, another might see as a willful attempt to cause disorder.

Rules should be carefully written and all officers should be thoroughly aware of the reasons for the rules and be able to interpret them to prisoners. The Jailer should review the rules frequently with his staff to insure that everyone understands the rules and that the rules are up to date.

Only rules necessary for the efficient, and orderly operation of the jail should be made.

Reference is made to Section A1.6, Standards of Conduct, for additional comments on rules of discipline.

Rules as to correspondence are discussed in Section A1.25, Mail Privileges.

Visiting and procedures are discussed in Section A1.33, Visiting.

KRS 71.020 gives the Jailer the custody, rule and charge of the jail in his county and of all persons in the jail, and states that he or a Deputy Jailer shall keep the jail.

KRS 441.010 states that the County Court shall prescribe rules for the government and cleanliness of the county jail and comfort and treatment of prisoners. The County Court may, by issuing fines, enforce the rules and punish the Jailer for disobedience or for neglect of his official duties. The County Judge shall inspect the jail at least once each month.

These two statutes seem to be in conflict with each other. One says that the Jailer has the rule and charge of the jail. The other says that the County Court shall prescribe the rules.

The County Court, which means the County Judge, has the power to prescribe rules for the county jail. The Jailer may make rules for the jail unless or until the County Court makes its own rules. The County Judge has administrative authority over the county jail and may enforce the rules by fining the Jailer for disobedience. The County Judge must make the rules as the County Court. To do this, it is necessary that he enter the proper order in the County Court order book. These rules prescribed by the County Court are administrative orders and not judicial orders. In the only case on this subject, Henry v Wilson Ky 61 S.W. 2d 305 (1933), the County Judge ordered that no one could visit a prisoner without his written permission. The Court said KRS 441.010 did not pertain to the lay public, and was intended to apply to only the internal management of the jail.

The County Court, by proper order, may direct the Jailer to do certain things or to see that rules made by the Court are carried out. These rules may direct that the jail be run in a certain way, that prisoners receive a certain type of treatment, or that cells and the jail be cleaned regularly.

Under the rules for the jail should be included all plans for meeting emergency situations such as escapes (Sec A1.13) riots (Sec. A1.14), fire (Sec A1.15), and civil emergencies (Sec A1.16).

Proposed jail rules and regulations are set forth on the following pages for use as a model to Jailers in preparing the same for their jails.

PROPOSED
JAIL RULES & REGULATIONS

I. Telephone Calls

Persons will be permitted to make and complete a phone call following the booking process. In most instances this will be immediately after booking, unless the person's behavior, physical or mental condition indicates otherwise.

II. Mail Regulation

Persons will be permitted to receive and send mail provided the Jailer is authorized to inspect incoming mail for contraband only.

III. Visiting Regulation

Visits from relatives, attorneys, and other individuals who can assist in the person's return to society will be permitted. All persons other than attorneys shall visit during hours specified by the Jailer.

IV. Criminal Acts

Persons committing criminal acts within the Jail will be referred to the proper authorities for possible prosecution under Kentucky Statutes.

V. Personal Items

Persons will be permitted toilet articles such as soap, toothbrush and toothpaste, wash cloth and towel. No glass nor aerosol cans are allowed in the facility. Toilet articles not purchased from the commissary are subject to inspection upon admission and all articles are subject to inspection upon release.

VI. Commissary

The Jailer may operate commissary for the benefit of the inmates. The cost of your purchase from the commissary will be subtracted from your funds held in the Jailer's office. Commissary privileges can be withheld as disciplinary action.

VII. Money and Valuables

Persons will not be permitted to retain in their possession money or other valuables while in jail. The jailer shall present you a receipt for the amount of money and other valuable articles taken from you at the time of admission. This is for your personal protection and the protection of the valuables.

VIII. Packages

You may receive at the facility the following items: socks, shorts, teeshirts and on special occasions additional clothing if at the time of arrest you were not clothed suitable for your stay or for court appearances. You will not be permitted to receive other articles.

IX. Damage or Destruction of the County Property

Should you damage or destroy county property during your confinement, you will be required to pay for same, and you will be prosecuted if the proper authorities rule that you have violated any laws by such damage or destruction.

X. Lights

Lights in the security area of the jail will be turned out by 10:30 p.m. and will be turned on by 6:30 a.m.

XI. Meals

You will be served three meals each day at the following times: Breakfast at 7:00 a.m., Lunch at 12:00 noon, and Supper at 5:30 p.m.

XII. Personal Hygiene

During your stay in the facility you shall utilize the facilities to keep your person and belongings as clean as possible. You will be allowed to shower and shave a minimum of three times each week.

XIII. Sanitation

Each person is responsible for the cleanliness of his personal area. This will consist of cleaning the commode, washbasin, floor, walls, bed and grilleage. Beds will be made each morning. Additional cleaning will be required throughout the facility for the protection of all persons. Cleaning details will be dispatched each morning following breakfast.

A1.23 Legal Rights of and Legal Assistance for Prisoners. The most comprehensive discussion of prisoner legal rights found to date is the booklet titled Inmates' Legal Rights, published in 1974 by the National Sheriffs' Association (Sec D3). Jailers should obtain a copy of that publication as well as the others available from the same organization.

The mere fact that an individual is lawfully incarcerated does not mean that he has lost all of his rights as a citizen. He can be deprived of only those rights which are clearly inconsistent with his status as a prisoner.

The rules and regulations under which a jail is operated must be constitutional. The rights of prisoners over which a Jailer has any control generally involve the operation of the jail. This is why the Jailer should issue a manual of rules and regulations covering the operation of his jail in which the rights of prisoners are specifically set forth. Such a manual should be reviewed often and brought up to date, since there are many changes taking place all the time.

The following is a summary of the standards set forth by The National Sheriffs' Association regarding the legal rights of prisoners and legal assistance to which they are entitled. Included are references to Kentucky statutes and other related discussions in this Manual. The word Sheriff appears in these standards, since in all states except Kentucky, county jails are administered by the Sheriff's office.

Personal Safety and Welfare

A primary right of a prisoner relates to his personal safety and welfare. Enforcement of this right is the responsibility of the Sheriff and the jail staff, and failure to enforce it may result in legal action against them.

1. The Sheriff and the jail staff are responsible for preventing mistreatment of prisoners by jail personnel or by other inmates.

2. It is also necessary to prevent theft or destruction of a prisoner's personal property.

No Cruel and Unusual Punishment

A prisoner has the right to be free from cruel and unusual punishment.

1. No beating, striking, whipping, or other acts which may impose physical pain on a prisoner.
2. Jail personnel may use only that degree of force which is necessary to defend themselves, to prevent a criminal act by a prisoner, or to maintain order.

Healthful Environment

Prisoners have a right to a healthful environment, to include:

1. Nutritious and well-balanced diet. (Sec B:KRS 71.040).
2. Adequate Medical and Dental care rendered promptly when needed. (Sec C3:1958-42. 117) (Sec E2, E3, E4).
3. An acceptable level of sanitation, including bedding, clothing, and laundry service; provisions for personal hygiene, toilet articles, and an opportunity to bathe frequently; proper ventilation, fresh air, heating in winter months, and light. (Sec B: 71.030) (Sec E4).
4. Reasonable opportunities for physical exercise and recreational activities.
5. Protection against physical or psychological abuse or indignity. (Sec B:KRS 71.020).

Right to Remain Silent

A person in detention retains his right to remain silent.

No duress, harrassment or coercion of any kind can be used to obtain information from him regarding the charge on which he is being held.

Right to Communicate with Family and Attorney

During the admission process at the jail, a person has a right to communicate with a member of his family (or possibly a close friend) and with his attorney by making a reasonable number of unmonitored telephone calls or in some other reasonable manner.

Presumption of Innocence for Prisoners Awaiting Trial

Persons held in custody while awaiting arraignment or trial are presumed innocent until convicted in a court of law, and their rights have generally been found by the courts to be broader than those of a convicted and sentenced prisoner.

No Racial Segregation

Any racial segregation in a jail is unconstitutional. The ban against racial segregation extends to any discriminatory treatment based on an inmate's race. All racial and ethnic groups must be treated equally and have the same opportunitites for program selection, work and housing assignments, and access to correctional resources.

Discipline Consistent with Due Process

Every jail must have a system for maintaining inmate discipline which is consistent with constitutional requirements for due process.

1. The first step toward such a system is to compile a clear and comprehensive set of rules which explain the required standard of conduct, define behavior which would be in violation of the rules, and indicate the penalty for proven violations.

2. Each inmate should be given a copy of the rules, and they should be read to or explained to inmates unable to read.

3. Jails with sizable populations who speak a language other than English should arrange to have the rules translated.

Procedure for Imposing Punishment

The jail should have a formal procedure for imposing punishment for violation of jail rules, and the procedure should be outlined in the handbook of rules.

1. For specified minor violations, summary punishment may be imposed.

2. For other violations, the procedure should include:
   (a) Written notice to the inmate of the charges against him.
   (b) An opportunity to prepare a defense to the charges, with the possibility of assistance by legal counsel or some other appropriate person of the inmate's choosing.
   (c) A hearing before an impartial tribunal.
   (d) An opportunity to present evidence in his own behalf and to confront and cross-examine witnesses against him.
   (e) A decision based upon the charge and the evidense produced at the hearing in support or denial of the charge.
   (f) A permanent record of the proceedings.

No Discipline of Prisoners by Prisoners

Inmates should not be subject to a "kangaroo court", a "barn boss" system, or any other arrangement that utilizes prisoners to maintain discipline.

Segregated Confinement

An inmate may be placed in segregation at his own request (protective custody), as punishment for violation of a jail rule (punitive segregation), or as an administrative measure (as during an investigation or to prevent self destruction). Regardless of the motivation, segregation has an inherently punitive quality that requires the imposition of special safeguards.

1. Except in emergencies, segregation should be imposed only after a full hearing. No inmate should be kept in segregation more than one hour without the express authorization of the highest ranking official on duty, and the sheriff or jailer must be advised of the prisoner's status at the earliest practical moment.

Consultation with Attorneys

A prisoner has the right to consult with his attorney privately at the place of confinement as often and as long as necessary. If there is a genuine possibility of violence or escape by the prisoner, he may be kept under observation, but his conversation with his attorney cannot be monitored.

Correspondence with Attorneys

The right to counsel includes the exchange of correspondence between a prisoner and his attorney. Letters from a prisoner to his lawyer must be mailed without examination or censorship. Incoming mail from the attorney to a prisoner may be examined solely for the detection of contraband but may not be read. (Sec Al.25).

Prisoner's Right to Prepare Legal Papers

If a prisoner has no legal counsel he has a right to prepare and file legal papers with the court himself.

1. To this end, he is entitled to have access to law books, and other legal materials together with reasonable amounts of writing materials, and to confer with other prisoners about his case.
2. Any documents so prepared must be transmitted to the courts by jail personnel, at public expense if necessary.

Access to the Courts

An inmate has a right to unrestricted and confidential access to the courts and to the executive agencies of government. The same rules apply to this kind of correspondence as in the case of a prisoner's attorney.

Grievance Procedures

Prisoners in jail are entitled to report grievances to any proper official within the state. The Sheriff or jail administrator should have a method for impartial investigation and resolution of any complaints.

Crimes Committed in Jail

If a crime is committed in the jail, any prisoner who is a suspect has the same constitutional rights in reference thereto as though the crime were committed elsewhere and he were not confined.

Religious Freedom

Prisoners have the right to freedom of religious affiliation and voluntary religious worship, providing that exercise of these rights does not directly interfere with the security and discipline of the jail. All rules and regulations in this regard must be applied to all religions without distinction or discrimination.

Only in the most unusual circumstances and on advice of counsel should these rights be curtailed.

Visitation and Mail

Prisoners should be allowed to visit in private and to correspond with family members, friends, religious advisors, prospective employers, and the news media in keeping with a reasonable jail schedule. Incoming mail may be opened and searched for contraband, but correspondence should not be read unless there is a valid reason to suspect a security violation. Outgoing mail should be left sealed and untouched. KRS 526.050 authorizes the opening of all incoming and outgoing mail of prisoners to inspect for contraband items.

Participation in Programs

Prisoners should have the opportunity to participate in education, vocational training, and employment as available and have reasonable access to a wide range of reading material.

Transfer

If an inmate is to be moved out of the jurisdiction under whose authority he is being held, he is entitled to reasonable notice and the opportunity to secure an attorney unless an emergency exists.

A1.24 Liabilities. The Jailer is sworn to uphold the constitution of the United States and the constitution of the Commonwealth of Kentucky. Should he not perform his duties in the manner prescribed by law he could become liable for either civil damages or criminal action.

Section 227 of the Constitution of the Commonwealth of Kentucky makes the Jailer subject to indictment or prosecution for misfeasance or malfeasance in office, or wilful neglect in discharge or official duties. A conviction on any of these charges shall force the Jailer to vacate his office.

KRS 61.170 make the Jailer liable for indictment in the county for misfeasance or malfeasance in office, or wilful neglect in the discharge of official duties. If convicted, the Jailer shall be fined not less than $100 nor more than $1,000, and the judgment of conviction shall declare the Office of the Jailer vacant.

KRS 61.170 also makes Sheriffs, Deputy Sheriffs, Policemen or other Peace Officers subject to indictment for misfeasance or malfeasance in office if they fail to enforce any provision of KRS 242.010 to 242.990 after receiving information of a violation of those statutes. If convicted, they shall be fined not less than $50 nor more than $200, and the judgment of conviction shall declare their offices vacant.

KRS 242.010 to KRS 242.990 have to do with alcoholic beverages. Since the Jailer is a Peace Officer he has the duties and liabilities specified in those statutes. KRS 446.010(19) states that the Jailer is a Peace Officer.

Chapter 71 of the Kentucky Revised Statutes sets out the jailers duties, powers, and liabilities.

KRS 71.020 gives the Jailer the custody, rule, and charge of the jail and requires that the Jailer or a Deputy Jailer keep the jail. The Jailer or a Deputy Jailer must either reside at the jail, if there is a residence within the jail, or not more than 400 yards from the jail. KRS 71.990 imposes a penalty upon the Jailer for violation of KRS 71.020. Such a violation shall constitute a misfeasance in office. The County Court may fine the Jailer or he may be indicted. If convicted of misfeasance in office he shall be fined not less than $100 nor more than $1,000 and the judgment of conviction shall declare the Office of Jailer vacant, according to KRS 61.170.

KRS 71.030 and KRS 71.040 refer to the conditions in which the jail must be kept and to the treatment of prisoners. Since the Jailer has the custody and charge of the jail (KRS 71.020) he may make and enforce certain rules for the jail, particularly rules designed to make the jail secure and clean. Should he not perform his duties he could be liable for neglect of duty as provided in KRS 61.170.

KRS 441.010 states that the County Court shall prescribe rules for the government and cleanliness of the county jail and the comfort and treatment of prisoners. The County Court may, by fine, enforce the rules and punish the Jailer for disobedience thereof or for neglect of his official duties.

Section E4 of this Manual contains the rules and regulations of the Department For Human Resources made under authority of KRS 211.920 to KRS 211.945. KRS 211.930 states that 6 months after June 21, 1974, no person responsible for the supervision or maintenance of a state or local confinement facility shall knowingly cause or permit such facility to be operated in violation of rules, regulations, or standards promulgated by the Department For Human Resources pursuant to KRS 211.920 to KRS 211.945.

As stated, the Jailer and his staff may become liable for damages because of the condition of the jail facilities as well as the manner in which operations of the jail are carried out. The following factors might, in combination, influence courts in their decisions to rule that having to live in such facilities constitutes cruel and unusual punishment and is thereby unconstitutional: gross overcrowding; inadequate staff; lack of sanitation; housing arrangements, and inadequate programs. (Refer to Sec A1.39, Facilities, for a discussion of these factors.)

In Bride v Commonwealth 4 Bush. 331 (1868), the Jailer was indicted and found guilty of wilful neglect of his official duties in permitting the jail to become filthy as to endanger the comfort, health and lives of the prisoners.

In another case for neglect, a citizen sued the Jailer and city for damages, Bowling Green v Rogers Ky 135 S.W. 921 (1911). Rogers complained that the Jailer allowed the prisoners to use loud vulgar language; that foul and disagreeable ordors proceeded from the jail windows and often prisoners were very scantily clad. The Court held:

> It is the duty of the keeper of the prison to use ordinary care to keep it clean and sanitary, to maintain order and to see that the prisoners conduct themselves in a decent and orderly manner. If the keeper negligently fails to do any of these things, and allows his prison to become a private nuisance, he must answer in damages to any person aggrieved thereby.

According to the Court, the Jailer may be found guilty of misfeasance and may even be liable for civil damages, for the condition of the jail.

A Jailer will be liable if he negligently allows a prisoner to leave the jail. In Lynch v Commonwealth, Ky 72 S.W. 745 (1903), the Estill County Jailer was indicted and convicted of wilful neglect, when he allowed a prisoner to go home on weekends on the authority of the County Judge. The Court found:

> It was the Jailer's duty, as Jailer ...... to receive and keep all persons in the jail, lawfully committed thereto, until they are lawfully released .....it was a violation of his official duty for him to have permitted a prisoner committed to jail to have left for any purpose at the discretion of the county judge who had no authority in the premises. If a public officer willfully or intentionally disregards a duty imposed upon him by law, in addition to the fine imposed....he forfeits his office. But, if the act is only one of mere negligence, ignorance or inadvertance, a less severe punishment is imposed.

The Court found the Jailer guilty, but only of ignorance of his duty and in belief the County Judge had authority to control him in the matter.

Additionally, the last case mentioned - Lynch v Commonwealth Ky 73 S.W. (1903), is essentially an issue of confinement. There are laws and procedures in relation to confinement or commitment. If the Jailer violates either the law or fails to follow the procedures he can become liable to the prisoner for false imprisonment and could have to pay civil damages. (See also Sec A1.2, discussion on Admission Procedures).

A major problem for a Jailer is the injury to a prisoner after he is confined. This mostly occurs where a person, usually a drunk, is confined and assaulted by another prisoner. If for no other reason than to protect himself from a lawsuit, the Jailer must exercise ordinary care in the protection of a prisoner in his custody. (Sec A1.37). This duty was set out in Bartlett v Commonwealth Ky 418 S.W. 2d 225 (1967), when the Court stated the basic duty:

> It is well-settled law in this and most other jurisdictions that the keeper of the prisoner must exercise ordinary care for the protection of his prisoner if there is reasonable ground to apprehend the danger to the prisoner....

The general duty was stated in Roberts v Williams 302F Supp. 972 (1969). The Federal Court ruled:

> ....a Jailer must exercise reasonable and ordinary care and diligence to prevent unlawful injury to a prisoner placed in his custody, that he cannot be charged with negligence in failing to prevent what he could not reasonably anticipate, but he is responsible for the consquences of his own neglect.

The leading case in Kentucky is Ratliff v Stanley Ky 7 S.W. 2d 230 (1928). A prisoner was placed in the Pike County Jail and shortly thereafter beaten by another prisoner.

> If the Jailer knew of the custom of the prisoners to assault and beat persons in custody, then it was his duty to use such means as were at his command to prevent such unlawful acts.

The Court found that if the Jailer knew of an organization within the jail aimed at aiding the Jailer in promoting order or cleanliness that used violence to enforce its rules, then the Jailer was liable.

Lamb v Clark Ky 138 S.W. 2d 350 (1940) addressed itself directly to the problem of a "kangaroo court" and assaults by inmates:

> The law imposes the duty on a jailer to exercise reasonable and ordinary care and diligence to prevent unlawful injury to a prisoner placed in his custody, but he cannot be charged with negligence in failing to prevent what he could not reasonably anticipate....it is our conclusion such responsibility therefore could not be avoided if (the jailer) were shown to have been guilty of negligence, in knowingly permitting this unlawful assault to be made upon the prisoner.

The Court said that a prisoner's unsanitary conduct and abusive language was no excuse to allow him to be beaten.

In Glover v Hazelwood Ky 387 S.W. 2d 600 (1964) the Jailer was sued when he placed a prisoner confined for drunkenness with a prisoner charged with murder. The jailer testified he knew Moss, who was charged with murder, was not "the safest man". The Court found the jailer liable:

> The jail had a "bull pen" area upon which a number of cells opened. The prisoners were simply placed in the bull pen without being assigned to or confined in any particular cell, and the cell doors were not locked. This was because there were no toilet or water facilities in the individual cells. The jailer maintains that he had no adequate means to keep Moss so confined and isolated as to protect the other prisoners. However, it appears that the locking of Moss in a cell would not have been impossible or impracticable or have imposed an unreasonable burden on the jailer; it merely would have caused some inconvenience and special attention in connection with Moss.....

In this case the Court felt the Jailer had the necessary facilities to confine the prisoner even if it would have been inconvenient, and any inconvenience was outweighed by the duty to protect the prisoner.

In two similar cases --- City of Lexington v Greenbow Ky 451 S.W. 2d 424 (1947) and City of Louisville v Humphrey Ky 461 S.W. 2d 352 (1970) --- the Court discussed the Jailer's liability for injury to prisoners and found the duty imposed upon the Jailer was the duty to exercise reasonable and ordinary care and diligence to prevent unlawful injury to a prisoner placed in his custody. But, he cannot be charged with negligence in failing to prevent what he could not reasonably anticipate. In both cases there was no proof the Jailer knew of the prisoner's violent nature or that he might attack another prisoner. The Court then ruled that the Jailer is not an insurer of the safety of the prisoners under his control.

The Jailer has a duty to obtain medical aid for sick prisoners. Should he fail to do this he could be held liable. The duties and liabilities of the Jailer regarding medical care are discussed in Sec A1.37 of this Manual.

Additionally, the Jailer must be aware of statutes and court decisions and rulings regarding the censorship and/or inspection of mail sent by and received by a prisoner. (See also Sec A1.25 Mail Privileges and Sec B: KRS 526.050).

The Jailer shall be liable on his official bond for the conduct of his deputies. (Sec B: KRS 71.060).

Deputy Jailers shall have all the powers and be subject to the same penalties as the Jailer. (Sec B: KRS 71.060)

Although the statutes do not specifically state so, the Matron who is an appointed employee (as is the Deputy Jailer) whose duty it is to supervise female prisoners and juveniles, could be liable under the laws relating to the custody and care of prisoners. Certainly, there is no doubt that a Matron, or Assistant Matron, shall be held liable for the denial of legal and civil rights of a prisoner.

The liabilities of the Jailer and Deputy Jailer for aiding the escape of a prisoner or knowingly concealing an escaped prisoner, or in any way hindering or preventing his capture, are set forth in KRS 440.040 and KRS 440.050. This liability extends also to a Matron, Assistant Matron, or any other employee of the Jail. (See also Sec A1.6 Standards of Conduct; Sec A1.23 Legal Assistance for Prisoners; Sec A1. 25 Mail Privileges).

A1.25 Mail Privileges: The County Court, which means the County Judge, is directed by KRS 441.010 to prescribe rules for the government and cleanliness of the jail, and for the comfort and cleanliness of the prisoners. Any rules and procedures regarding the sending and receiving of mail by prisoners should be included in the rules prescribed by the County Judge.

The County Judge may include in the rules of the jail that the Jailer must inspect any or all correspondence or articles sent or received by prisoners. Both state and federal courts have ruled that a jailer may intercept and inspect mail for security reasons. (Yager v Commonwealth Ky 407 S.W. 2d 413).

In Denson v U.S. 424 F 2d 329 (1970), a federal court ruled that prison officials may inspect or examine the effects and communications of prison inmates without depriving the inmates of their constitutional rights.

KRS 526.050, of the Kentucky Penal Code 1975, has to do with tampering with private communications. Subsection (2) of that statute reads:

> "The provisions of this section do not apply to the censoring of sealed letters or sealed communications for security purposes in official detention or penal facilities."

In view of the foregoing, a Jailer may open all incoming and outgoing mail of prisoners for the purpose of inspecting it to determine if contraband items may be contained therein. However, the rules of the jail, as prescribed by the County Court, must specify that prisoners mail is to be opened and inspected for contraband.

In its publication titled "Legal Responsibilities and Authority of Correctional Officers" (Revised January 1975). Chapter 7, Correspondence and Visitation, pp 24-25, the American Bar Association states that the U.S. Supreme Court recently ruled that the censoring of correspondence for inflamatory remarks, undue complaints, or magnified grievances infringed upon the First Amendment rights of the free-world person with whom the inmate was corresponding. (Procunier v Martinez, 94 S. Ct. 1800 (1974)). However, the Supreme Court declined to consider whether this also infringed upon the inmate's First Amendment rights.

The Court stated that any regulation which could potentially effect First Amendment rights must be judged by a two-pronged test.

1. The regulation must further an important and substantial governmental interest unrelated to the supression of expression; and
2. The limitation of First Amendment freedom must be no greater than is necessary to the protection of the particular governmental interest involved.

The only legitimate governmental interests which would justify censorship were found to be institutional security, institutional order or rehabilitation. The Court questioned whether censorship of correspondence could ever enhance rehabilitation of the inmate.

The Court further ruled that any decision to censor or withhold delivery of a particular letter must be accompanied by some procedural safeguards. These procedures include: notice to the inmate that a decision to censor has been made, an opportunity for the author of the letter to protest that decision, and a final decision by a prison official other than the person who originally disapproved the correspondence. (See also Sec A1.23 for discussion regarding inmate correspondence with courts and attorneys).

In the few cases that have faced the issue, courts have upheld regulations providing for an approved mailing list and limiting the number of letters a prisoner may possess at one time.

One case upheld a prohibition against a resident running a mail order business from his cell. (Procunier v Martinez, 94 S. Ct. 1800 (1974)).

Sending and Receiving Mail: The County Court is directed by statute to prescribe rules for the government and cleanliness of the jail, and for the comfort and cleanliness of the prisoners. Any rules and procedures regarding the receiving and sending of mail be prisoners should be included in the rules prescribed by the County Court.

A1.26 Powers of Jailers. Since it is the duty of the Fiscal Court to provide a sufficient jail, and to keep it in repair, the Jailer has the standing to require the Fiscal Court to carry out its duties. (Refer to A1.5 Statutory Obligations of Fiscal Court Regarding County Jail).

If the Fiscal Court does not appropriate the necessary money or equipment for the operation of the jail, the Jailer may appeal from the Fiscal Court order to the Circuit Court.

The Court of Appeals in Bath County v United Disinfectant Co. Ky 58 S.W. 2d 239 (1933) said that KRS 67.080 was a mandatory direction to the Fiscal Court to carry out the directions in that statute and make the necessary appropriations, and the Jailer, whose duty it was to carry out the provisions of that statute, could force the Fiscal Court to make the necessary appropriations to enable him to do so.

In Ball v Scott Ky 136 S.W. 2d 48 (1940), the Court held that the Jailer is vested with the power to compel the Fiscal Court to make funds availabe to provide a sufficient jail.

Other powers of the Jailer are listed and commented upon in the Index portion of this Manual.

A1.27 Safety. The Jailer and his staff are responsible for fire, accident, disturbance, and disaster prevention and control and for promoting safety standards throughout the jail. Good safety procedures go hand-in-hand with good security practices.

Emergency situations may occur at any time. Perhaps the Jailer may wish to install an alarm system which connects with agencies such as the police and fire departments, the Sheriff's office, and others.

Safety programs require well-trained jail personnel and effective operating procedures.

Section E4 of this Manual contains the regulations of the Department For Human Resources made under authority of KRS 211.920 to KRS 211.945 (Confinement Facilities Health Act - 1974), regarding safety.

The booklet titled Sanitation in the Jail, published in 1974 by the National Sheriffs' Association has information of value regarding safety.

The following should be developed to meet emergency situations.

1. Emergency Plans:

Escapes	Refer to Sec A1.13
Riots	Refer to Sec A1.14
Fire	Refer to Sec A1.15
Civil Emergencies	Refer to Sec A1.16

2. First Aid Services: All jail personnel should receive at least minimal training in first aid and emergency life saving techniques. Standard first aid supplies should be available at the jail at all times, and jail personnel should have appropriate knowledge to use these supplies.

3. Other Safety Procedures:

(a) Close prisoner supervision is related to good safety. This is necessary to detect possible disturbances before they occur. Changes in prisoner behavior patterns might indicate the potential for suicide and should be closely observed.

(b) Any inmates showing signs or marks of mistreatment should be thoroughly investigated to determine how and why these conditions exist, and appropriate measures should be taken.

(c) Good housekeeping practices will eliminate most of the danger from spontaneous combustion. All waste materials should be disposed of quickly, particularly oil, greasy or paint soaked rags.

(d) All inflammable or combustible materials should be clearly labeled, used under jail officer supervision, and locked in a well-ventilated storage space.

(e) Quilted, stuffed mattresses or pads should be fire retardant.

(f) Hand tools should be secured in proper storage, out of reach of inmates when not in use, and maintained in good working condition. Tools should not be issued any inmate not instructed in their proper use.

(g) In larger facilities with maintenance shops or with vocational training programs, there should be established regulations governing the use of safety devices such as guards and goggles.

(h) Safety regulations and information should be posted and available to all jail personnel and inmates.

(i) All work space, floors and other walking surfaces should be kept free of obstacles, grease spots, water, and other hazardous substances which can cause accidents.

(j) Problem inmates should be adequately segregated to prevent disturbances or to protect them both from themselves and others.

4. Safety Program Inspections: All aspects of the safety procedures and all equipment should be periodically reviewed by the Jailer, the state jail consultant, and other appropriate county and state agencies to determine effectiveness and to correct any deficiencies.

The Bureau of Health Services of the Department For Human Resources will conduct periodic inspections. (Sec E4).

The County Judge who is required by statute to inspect the county jail at least once a month may wish to make a safety inspection. (Sec B: KRS 441.010).

A1.28 Records. Several statutes refer to the duties and responsibilities of the Jailer. From these it is logical to assume that in order to carry out their intent, the Jailer must keep proper records.

KRS 71.100 states that when a Jailer goes out of office he shall deliver to his successor the custody of the jail, its keys, furniture, and appurtenances, and the persons confined therein, with all official papers by which prisoners were committed to his custody or by which they were liberated therefrom.

Since the Jailer is a fee officer compensated for his services according to a statutory fee schedule (Sec B:KRS 64.150), it is important that he keep accurate records of fees received and expenses incurred.

The Jailer should be aware of how his expense claims are to be made up and when they are to be submitted, and when and by whom he will be paid.

In Section A1.19 there is a discussion of dieting fees. Proper record keeping in the Food Service is a necessity, not only from the standpoint of the Jailer's compensation, but also as to meeting the requirements of KRS 71.040 to furnish prisoners with proper food.

Additionally, the Jailer is an Officer of the Circuit and County Courts and is required to attend sessions of the courts when held. When he attends the courts he is to be paid a reasonable fee not exceeding $6.00 a day. For attending the County and Quarterly Courts he shall be paid by the county; for attending the Circuit Court he shall be paid by the state. (Sec C3:1956-38, 174).

The Court in Laurel County c Steele Ky 148 S.W. 2d 183 (1941) held that the fee for attending court contemplates attendance at special terms of County and Quarterly Courts held in the court room or regular term wherever held. But the Court felt the Jailer should not receive a fee when only routine orders are entered on the order book. As to the amount allowed the Jailer the Court ruled:

> The statute does not contemplate that he shall be paid the limit, but the amount to be allowed is a matter within the discretion of fiscal court, and it is entitled to information which will enable it to exercise its discretion...He is entitled to a reasonable compensation for his attendance not exceeding $6, the amount of his compensation depending upon what he does, how long he attends, and the like.

The Jailer may not receive the full amount for attending these courts, but he will be entitled to a credit for items such as ice, ink, pens, pencils, and writing materials he furnishes to the courts. He must, however, keep a record of these items and be able to show the reasonableness of such expenditures.

According to KRS 67.130, in counties with a population of less than 75,000 and not having a city of the Second Class or a Circuit Court of continuous session, the Jailer shall be superintendent of the public square and of all county buildings at the county seat. In those counties over 75,000 population the Jailer is relieved of the superintendent duties. In counties with a city of the Second Class wherein all terms of the Circuit Courts are held at the county seat, the Jailer is not required to attend to the County or Quarterly Court or to furnish fuel, light, or water to the Circuit Court or other courts, and he shall receive no fee for such service according to KRS 67.150 and 67.140. However, under 67.170, the Jailer of each county shall take charge of and carefully preserve all furniture, bedding and property belonging to the courthouse and jail. The County Court may enforce this liability by a fine. The Jailer will be liable upon his official bond for the value of the property.

The Fiscal Court under KRS 67.130 in counties under 75,000 population, has the duty and responsibility to annually appropriate a sum sufficient to purchase the labor and materials necessary to heat and light the jail and courthouse, including the Jailer's residence if owned by the county, and to keep the property in repair and in clean, comfortable and presentable condition. The sum so appropriated shall be expended by the jailer.

In those counties in which the Jailer is the superintendent of the public buildings he is under the duty to see that the buildings are kept clean and in a presentable condition. This usually means that the Jailer is the janitor. There is no requirement that the Jailer perform the duties of janitor. The Jailer is authorized to expend the funds appropriated by the Fiscal Court for such service. A Jailer may employ someone to clean the county buildings under his supervision or the Jailer may perform the janitorial services. Brummal v Jackson Ky 140 S.W. 1016 (1911) held that it was proper for the Fiscal Court to employ the Jailer as janitor, and the statute (KRS 67.130) was passed for that purpose, and to pay him a reasonable compensation for the service. The Fiscal Court must provide the material and labor to the Jailer for janitor service. If the Jailer performs the duties of janitor, that amount paid him is part of his compensation and must be figured in his total allowed compensation.

In Perkins v Cumberland County Ky 172 S.W. 651 (1943) the Fiscal Court fixed the Jailer's compensation at $300 per year for janitor service for the four-year term. The Jailer asked that this appropriation be made year by year. The Court ruled that under the Constitution of Kentucky a jailer's salary must be fixed for his term, and janitor service was part of that salary:

> Therefore, since the amount payable for janitor service is compensation to the Jailer for rendering the service ...The statute in addition to authorizing compensation of the Jailer for janitorial service entrusts him with the expenditure of such sums as are necessary to keep the public buildings in repair and to heat and light them...and such sums as are required to fulfill the purpose of the act, over and above the Jailer's compensation for janitor service, should be appropriated annually by the fiscal court but the Jailer's compensation should be fixed in advance of his election and...cannot be changed during his term.

The Court also ruled in Brummal v Jackson that where the Fiscal Court has appropriated the money for the janitor service and directed the County Judge to issue a warrant for payment, the Judge cannot refuse to pay the Jailer on the ground the Jailer had not properly performed his services.

The Jailer is not required to keep the public buildings in repair. The statute says that this is the duty of the Fiscal Court. It would seem that the Jailer is powerless to force the Fiscal Court to repair the jail. As the Court said in Knott County Fiscal Court v Duke, Jailer Ky 163 S.W. 459 (1914) "....if the Fiscal Court fails or refuses to make the appropriation contemplated by these sections (67.080 and 67.130) it is no concern of the jailer..." The Court in Frizzell v Holmes Ky 115 S.W. 246 (1909) stated flatly "The Fiscal Court has the duty and the Jailer cannot compel the Fiscal Court to make an appropriation to him to enable him to keep the buildings in repair. While the Jailer can compel the Fiscal Court to pay him for supplies and fees, the Jailer cannot force the court to repair the courthouse and jail." Most court decisions are aimed at the provision that the building be kept clean and presentable. The Court has ruled in case after case the Jailer may ask the Court or require the Court to appropriate money for this, but not for major repair.

While the Fiscal Court has the duty to appropriate money to purchase the labor and materials necessary to heat and light the jail and keep it in repair, clean, comfortable and presentable, the Jailer may not on his own obtain the necessary supplies, charging the county. These supplies include soap, mops, brooms or any other supplies of this type. The Court ruled in Todd County Fiscal Court v Frey Ky 285 S.W. 2d 499 (1955)"...nothing is more clearly settled by this court than that no officer of the county, nor any other person, may consider himself empowered to spend money or enter into any contract binding upon the county, unless duly authorized by an appropriate order."

The Court in Funk v Milliken Ky 317 S.W. 2d 499 (1958) outlined the amounts allowable as personal compensation and amounts that properly could be credited against fees for office expense:

> Under the statutes, the Fiscal Court may fix, in advance, the categories of reasonable official expense that will be allowed county fee officer and the maximum amount that will be allowed for each category.

The Court ruled that a Jailer may not expend funds or bind the county unless authorized by the Fiscal Court and that the Fiscal Court may set up categories of certain needs and authorize a certain amount for each to be spent each year. The Court said that whether this was done in advance or at the end of the year, when the Jailer submits a detailed account of expense, did not matter.

The Court held that:

> In order to receive credit, the jailer must not only show the amount and purpose of each expenditure and that it is reasonable, but must establish that the expenditure is in an allowable category.

In Bath County v United Disinfectant Co., a Jailer, in absence of a Fiscal Court budget appropriation, purchased cleaning supplies and presented the court with the bill. The Court held that:

> Nothing authorized or directs the jailer on his own initiative to incur the expense without first obtaining the voluntary or enforced direction of the Fiscal Court to do so. Such a course would substitute the judgment

> and discretion of the jailer of the county for that of its Fiscal Court in incurring of obligations imposed by the statute, and which all of our opinions, without dissent, hold may not be done.

The Court said that the Jailer may force the Fiscal Court to supply the necessary funds to carry out the duties by requesting the Fiscal Court to appropriate money, and if denied to appeal to the Circuit Court, or he may apply to the Circuit Court for the necessary mandatory order.

In Fulton County v Spartan Chemicals, Inc. Ky 343 S.W. 2d 125 (1960) the Jailer purchased disinfectant for use in keeping the jail and other county buildings clean, comfortable and in a presentable condition. The Fiscal Court upon receiving the invoice refused to pay for the supplies. The Court ruled that the Fiscal Court is required to make the necessary appropriation for defraying the Jailer's expenses, but the Jailer has no authority to expend any money without the consent and direction of the Fiscal Court. The Fiscal Court in this case had appropriated money for the category of supplies. The Court held:

> It is true the Jailer has the duty of maintaining and keeping the county buildings clean, and the Fiscal Court made an appropriation for this very purpose. That such appropriation was made and that the Jailer was properly performing his duty in keeping the building clean, is not denied. Even though the Jailer's duties and responsibilities are set out by statute, nevertheless, the Fiscal Court possesses the sole power to authorize expenditure of public funds. Here, although the Jailer needed the materials purchased, he could not validly contract for them until the Fiscal Court approved.

The Jailer in those counties with less than 75,000 population is required to be the superintendent of the public square and of all county buildings at the county seat. These county buildings are the courthouse and jail. The County Jailer shall expend the funds appropriated for the purpose of keeping the building in repair and clean, comfortable and presentable. The Fiscal Court of these counties must yearly vote such money as is necessary to purchase the labor and materials necessary for this purpose. The Fiscal Court must also purchase the heat and light for the property including the Jailer's residence if owned by the county. These funds are for the material and supplies necessary for the upkeep and cleanliness of the jail. The Fiscal Court may be forced by the Jailer to supply these items. The Jailer may not first purchase items and then present the bill to the Fiscal

Court. The Court must first make the money available for the supplies or services and then the Jailer may, with the approval of the Fiscal Court, spend the money. If the Court does not appropriate a sufficient sum or refuses to make an appropriation, the Jailer may take the necessary legal action. He may request the Fiscal Court to make the necessary appropriation to him for the jail. If this request is denied or the appropriation is too low, the Jailer may appeal to the Circuit Court of his county for the necessary mandatory order requiring the Fiscal Court to discharge its duties.

The Jailer may not contract or charge the county with purchases unless he is authorized to do so.

The Jailer must bear in mind that the expenses of his office are to be subtracted from his gross receipts in order to arrive at his compensation. The Jailer is restricted to a maximum compensation of $14,300 per year. The Jailer of each county is entitled to that amount under KRS 64.535 and this salary shall be paid solely out of the statutory fees and salaries received as Jailer. In counties with a population of 75,000 or more, the Jailer receives a salary paid by the state. The state pays the Jailer, his assistants and his office expenses monthly. Jailers in counties with less than 75,000 population receive their compensation by warrants issued by the county or the state. In most counties this amount for fees is not enough to support the Jailer and he must depend upon his other fees for full compensation. Most Jailers will not make the statutory maximum of $14,300. For this reason a Jailer's expenses that are allowable are very important in figuring his total compensation. In Holland v Fayette County Ky 41. S.W. 2d 651 (1931) the Court found:

> Fees collected by an officer represent the charge which the state makes for services rendered by it through its officers...Thus whatever money comes to the hands of the jailer as jailer from any source, he receives for the state. Out of it he may pay, first, the expense of conducting his office allowed by law; he may then retain (up to $14,300) for his salary, and he must account for the remainder. The jailer must make a report to the Fiscal Court including therein all monies coming to him by virtue of his office from all sources, and of course, he will want to put in all of his allowable expenditures.

The Court went on to say that the Jailer is limited to his statutory limit on compensation for his services after deducting all expenses from the total receipts of his office. These total receipts include all receipts he received as Jailer including dieting federal prisoners. He must report all receipts from every source. The Jailer may submit this record for payment of his compensation each month or at the end of the year. The Court has ruled that the year is the unit used for accounting. Whether the Jailer uses the month or year to submit this report for payment, this report must be in some detail or the Fiscal Court may disallow it.

In Wilson v Ball Ky 323 S.W. 2d 840 (1959) the county appealed an order approving a Jailer's report of receipts and expenses. In allowing the expenses to be paid the Court said:

> We must bear in mind that the claimed expenses must be necessary for the official's economic administration of the office and that the compensation paid to assistants or the expenses of various items must not be unreasonable.

The Court in Funk v Milliken also said that in order for the Jailer to receive credit for a proper expense he must show the amount and purpose of each expenditure and that it was reasonable.

The burden of showing that the credits are reasonable is upon the Jailer. In an area like automobile expenses, the Court ruled that a claim for auto expense should not be allowed without a showing of the purpose and official necessity of each trip, and the distance traveled on each trip. In this case the Court imposed a special burden upon the Jailer of showing the supplies could not have been obtained at the same price by telephone order and delivery. If the Jailer lists an expense as "miscellaneous" the Court said it should not be allowed as a credit against the Jailer's excess fees.

In Goodlett v Anderson County Ky 101 S.W. 2d 421, (1936), the Court held that when a claimant has a claim against a Fiscal Court he must itemize it, and then point out the statutory provisions for its payment. He must be able to say, "Here's the service, here's the statute, now pay me".

Proper records in admission procedures, release procedures, medical care, disciplinary actions, and in all other parts of his work is a necessity for the Jailer. Any Jailer who wishes to develop forms and procedures in record keeping may contact the District Jail Consultant for assistance.

A1.29 Release Procedures. Every prisoner who enters the jail will be released at some time. Since release occurs in many ways, the Jailer must be familiar with the various kinds of releases and the conditions under which they occur.

Bail. In nearly every case, a person accused of crime and placed in jail to await trial is eligible for bail.

R Cr 318 states that if the offense is bailable, the court order must state the amount of the bail. R Cr 407 names the officers who are authorized to take bail. The Jailer is not authorized to take bail.

In Commonwealth v Roberts 1 Duv 196 (1864) the Court held that the Jailer could not take bail.

> ....But had (a court order) directed, in terms, the Jailer to take such bond, still, it would not have vested him with any legal authority to do so, not authorized the discharge of the prisoners from confinement. In other words, the Jailer, not being authorized by law to act in such case, could not bind the Commonwealth. It is not within the province of courts to invest persons with authority to take bonds and discharge prisoners from custody from whom the Legislature have withheld such authority.

The Attorney General stated that since the Jailer was not authorized to take bail it was his opinion that a County Jailer may not take bail. (Sec C3:66-455).

The Jailer, once the prisoner is given into his custody, may not on his own release a prisoner who has not had a hearing. Any such action by the Jailer is an unlawful releasing of the prisoner and may be termed an escape, and subject the Jailer to criminal as well as civil liability. The Jailer may release a prisoner into the custody of another officer for the purpose of taking the prisoner before the Magistrate. The Jailer should either get an order from the Court directing the prisoner be brought before it, or have the Sheriff or officer sign a receipt for custody of the prisoner.

When a Judge orders a prisoner released on bail, the Jailer must release him. If the prisoner is committed to jail then the Jailer will receive an order of commitment and the sum fixed for bail will be entered upon this order. The procedure for bail is outlined in R Cr 3.02, 3.04, 3.14, 3.18 and 4.02 through 4.30. If the prisoner is to be released on bail it must be done by a court order, and a Jailer must release a prisoner when the Court by proper order commands the release.

In an opinion by the Attorney General on whether a Jailer is required to release a prisoner on bail, the A. G. wrote:

The initial release of a prisoner on bail or recognizance is excusively within the province of the Magistrate before whom he appears....A prisoner properly discharged on bail or recognizance is "lawfully discharged" and a Jailer no longer has any authority to hold him. Therefore, the Jailer has no authority whatsoever to disregard a properly entered official written order of a County Judge that a prisoner who has appeared before him be released on bail or recognizance. (Sec C3:67-196).

Transfer to Another Institution: If there is no County Jail, or the jail is insecure, or there is danger or probable danger of delivery from jail by violence, the Circuit Judge, or in his absence the County Judge, may order a prisoner transferred to the nearest secure jail. The order of the court will be the Jailer's authority to release the prisoner for transfer. (Sec B:KRS 441.040). (See also KRS 441.050 re transfer to BOC inst).

When the prisoner has been found guilty and sentenced to the custody of the Bureau of Corrections the order of the court will be the Jailer's authority to release the prisoner to the Sheriff for transporting to the proper Bureau of Corrections institution.

KRS 441.160 is the statute under which a County Judge may order the release of a prisoner from jail to the custody of the Manager of workhouse or work crew, or both. The order of the court shall release the Jailer from any further authority or liability regardless of the court that committed the prisoner. The Manager of the workhouse or work crew shall give a receipt to the Jailer for all prisoners received.

Under KRS 911.940, persons confined in a facility which does not meet the rules, regulations, or standards established by the Department For Human Resources may seek a transfer to a facility which does meet them. The Court will issue an order if transfer is approved.

Transfer to Hospital: At times a prisoner's physical or mental condition will require that he be removed from the jail and admitted to a hospital. Unless this is done under a Court order, the release from the jail should be regarded as a temporary transfer and the prisoner should be carried on the records of the jail.

Release to a Detainer: Here the prisoner may or may not have been convicted. If he has been convicted, the Court may have suspended sentence in order for him to be turned over to another jursidiction that has a charge against him. If the present charge has been dismissed, the detainer must be honored. In some instances the Court may have to issue an order for the prisoner to be held in the jail until the jursidiction that has issued the detainer can send for him. (Sec B: KRS 440.260; KRS 440.270).

Temporary Release: Prisoners on temporary releases are those who have been allowed to leave the jail for home visits, funerals, or to work or education release, or for medical treatment.

If released for a home visit or to attend a funeral, the Jailer will receive a Court order which will set forth the conditions of release, the purpose of release, and the official to whom custody shall be surrendered.

Release for work or education purposes or for medical treatment may be allowed under KRS 439.179.

Dismissal of Charge or a Finding of Not Guilty: When charges are dismissed or a prisoner is found not guilty, the Court or the prosecuting attorney will authorize the prisoner's release, since there is no longer a reason for holding him in the jail.

Completion of Sentence: After the prisoner is convicted and the Court gives the Jailer a copy of the judgment of conviction, the prisoner must stay in jail. This order is a final order of the Court and any further order of that Court directing the Jailer to release the prisoner is void. If the prisoner is to be released, a Court must issue an order staying the executing of the sentence, and either release the prisoner or admit him to bail. This will be a written order and will suspend the judgment of conviction. The Jailer must obey this order and release the prisoner, since it removes any authority by which the Jailer lawfully holds the prisoner. The judgment of conviction is the Jailer's legal authority for holding a prisoner in jail. Among other things this judgment will contain the sentence of the Court. The Jailer will determine from the sentence the period of time the prisoner is to be confined. When the period of confinement is up, the Jailer must release the prisoner. The Jailer needs no other order from the Court to release the prisoner. Since the prisoner has served his sentence he is lawfully discharged and the Jailer has no further authority to confine him.

In 1966 the Attorney General was asked whether a Jailer needed an order from the court to release a prisoner. The A. G. said in that opinion:

> When a prisoner's time has been served, that is, his sentence has expired, he stands discharged by operation of law. Therefore, when a prisoner's sentence has been

> served...it is the Jailer's duty to release him without any further order of the court. (Sec C3: 66-479).

A City Jailer in a city of the 2d class may, under KRS 441.330, grant to any prisoner confined in the city jail one day off of each ten days sentence for which the prisoner is confined in the jail.

When the Jailer receives from the Court a copy of the judgment he is bound to receive the prisoner and keep him for the fixed period of time unless the sentence provides for hard labor.

If the sentence does not say hard labor then the Jailer must keep the prisoner in jail and may not release him unless a Court stays the execution of that sentence. The Jailer has custody of the jail and is charged with confining prisoners until they are lawfully released. The order of the County Judge or any other official, except the Governor, attempting to release the prisoner is void, and the Jailer should not obey it. Only when the Jailer receives written notice that the judgment has been stayed and directing him to release the prisoner should the Jailer release the prisoner.

The Court of Appeals has made several rulings affecting Jailers and the unlawful discharge of prisoners. In Lynch v Commonwealth Ky 73 S.W. 745 (1903) the Estill County Jailer was indicted and convicted of wilful neglect in the discharge of his official duties. A prisoner, after he was committed to jail by the Circuit Court, requested to go home to see a sick relative. The Jailer refused but agreed to let the prisoner visit if the County Judge would permit it. The County Judge agreed and the Jailer permitted the prisoner to go home on the weekends. The Court ruled:

> It was the Jailer's duty, as Jailer...., to receive and keep all persons in the jail, lawfully committed thereto, until they are lawfully released...it was a violation of his official duty for him to have permitted a prisoner committed to jail to have left for any purpose at the direction of the County Judge, who had no authority in the premises.

After stating that a wilful disregard of a Jailer's duty would result in forfeiture of office, the Court went on to say:

> The testimony does not show a wilful disregard of offical duty by (the Jailer). Undoubtedly, he violated the law in permitting Bellis to leave the jail for any purpose,

> but his conduct seems to have been due to ignorance, and the belief that the County Judge had authority to control him in the matter. But his ignorance of the law was due to his own negligence and does not excuse the offense...

The Court in Brabandt v Commonwealth Ky 162 S.W. 786 (1914) outlined the Jailer's duty in the matter of releasing a prisoner. The Court after the defendant was found guilty, sentenced him to twelve months in jail and committed the prisoner to the Jailer's custody. The Court later overruled a motion for a new trial, but in the same order suspended the sentence:

> The Court had no authority to enter an order suspending the further execution of the sentence imposed. When the motion for a new trial was overruled, and the judgment was entered upon the verdict, that was a final order, and then the (prisoner) was...committted into the custody of the Jailer, in execution of the sentence imposed, it was the duty of the Jailer to retain him in custody and in jail, until the expiration of the twelve months... The order (of release) was an act beyond and without the jurisdiction of the Court, an attempted exercise of a power not judicial, but wholly executive in its nature, and such order should not have been obeyed by the Jailer. The Jailer is an officer of the Commonwealth, with well defined duties and responsibilities, and within the scope of those duties, his authority is supreme. When he receives into his custody a prisoner under a final order of court, any order or direction of said court or any other court, or of any officer, other than the Governor, attempting to suspend the further execution of the judgment, being void and of no effect, should not be obeyed by him.

The Court in that case said that within his jail the Jailer is supreme and may not be directed to release a prisoner by any officer, other than the Governor, or by any Court unless it issues a written order staying the execution of the sentence and ordering the release of the prisoner. In Glenn v Porter Ky 168 S.W. 2d 32 (1943) the Court was faced with a complex problem. The prisoner brought a Habeas Corpus proceeding demanding release by the Jailer. The Judge of Franklin County Court ordered the prisoner released. The prisoner was in jail under three convictions. The prisoner had satisfied one of these judgments, but the Jailer still held two unsatisfied judgments. The County Judge had not stayed the judgments, but only ordered the prisoner released. The Jailer refused to release the prisoner. The Court found:

> The action of the County Judge in ordering the immediate discharge of (the prisoner) and refusing to stay the judgment was unauthorized and squarely in the face of the statute governing procedure...The County Judge should, therefore, have fixed terms for the appeal and stayed the judgment until the appeal was filed...a Jailer shows proper authority for the detention of a prisoner when he exhibits a copy of an unsatisfied judgment under which the prisoner is held.

Before releasing a prisoner, the Jailer must be certain that the release order fulfills all legal requirements and is issued by a person authorized to release prisoners; the identity of the prisoner being released has been verified; the identify of the person taking custody if the prisoner is being released into custody of another jurisdiction.

Definite procedures for the release of prisoners should be established, printed, and made available to all jail personnel, the local police, the county sheriff, and to the courts of the city and county in which the jail is located. Once these procedures are set forth, the Jailer must check often to make sure that they are being carried out properly. There should be a system for making changes which may become necessary, but at all times the Jailer should be the only authority for such changes, in cooperation with the County Court.

A1.30 Renovation: KRS 441.410 through KRS 441.450 states that no political subdivision of this Commonwealth, or no combination of such subdivision shall build a new jail unless the facility meets the approval or complies with the standards and regulations of, as appropriate, the State Fire Marshal, the Department For Human Resources, or the Bureau of Corrections, and the plan for such facility has sufficient design features to assure secure confinement of the prisoners as determined by the Bureau of Corrections. Final authority for approval of plans for the construction of a jail, or an addition or renovation of a jail shall rest with the Bureau of Corrections.

The Jail Consultant Service, Division of Community Services, Bureau of Corrections, has been designated as the agency to directly handle plans for renovation of a jail and plans for construction of a jail. Guidelines have been published as Administrative Regulation No 50, Proposal for Jail Construction and Renovation, dated February 19, 1975. The regulation is in this Manual as Section E1.

The Jailer is referred to the following sources for valuable information on jail planning:

Book 6, Jail Planning, Jail Management Training Course, published by the U.S. Bureau of Prisons in cooperation with the University of Wisconsin. (Sec D5).

New Roles For Jails: Guidelines For Planning, published by the U.S. Bureau of Prisons. This booklet can be bought from the Supt. of Documents, Customers Service Section (C) Govt. Printing Office, Washington, D.C. The stock number is 2700-00005, the price as of June 1975 - $.50.

The Jail Consultant Service offers assistance to any county or city planning to renovate or rebuild its jail. Contact may be made with the Area Jail Consultant or the Chief Jail Consultant. (Sec D6 contains the locations and telephone numbers of all Jail Consultant offices).

A1.31 Residence: KRS 71.020 states that the Jailer or a Deputy Jailer must live in the jail if living quarters are provided there, or that if there are no living quarters in the jail, the Jailer or a Deputy Jailer shall reside not more than 400 yards from the jail.

However, there is no requirement that the county furnish a residence to a Jailer.

KRS 67.130 states that if the Jailer's residence is owned by the county, the Fiscal Court shall appropriate funds each year sufficient to purchase the labor and materials necessary to heat and light the property and to keep it in repair and in clean, comfortable and presentable condition. It also directs that the Jailer spend the sum appropriated for this purpose.

If the residence of the Jailer is not owned by the county, the Jailer will not be allowed funds to maintain it.

In Laurel County v Steele Ky 148 S.W. 2d 283 (1941), the jailer claimed a certain amount of money as expenses for the rental, heating, and lighting of his residence. The Court, in rejecting his claim, held:

> The residence occupied by the Jailer during his term of office was not owned by the county, and, in absence of an express contract to pay rent...and utilities...the county is not liable. KRS 67.130...requires the fiscal court to appropriate of the county funds a sum sufficient to purchase the labor and materials necessary to keep the jailer's residence in repair, and in clean, comfortable, presentable condition and heat and light the same only if such residence is owned by the county.

In Holland v Fayette County Ky 41 S.W. 2d (1931),651, it was held that the county was not responsible for providing beds in the Jailer's residence.

A1.32 Sanitation. Persons committed to a jail are entitled to sanitary surroundings free from communicable disease, and facilities for maintaining personal cleanliness. The community expects its jail to be clean and sanitary.

The statutes of Kentucky require that the Jailer keep the jail in a sanitary condition. (These are set forth in Sec A1.21, Inspections.)

The newly admitted prisoner should bathe and be instructed to keep his living quarters clean. Some people are accustomed to unsanitary living conditions and must be supervised closely to insure that they keep themselves and their living area clean. Cleanliness should be impressed upon the prisoners. In fact, the rules of the jail should set standards of personal cleanliness and standards for living area cleanliness.

Certain sanitation procedures should be practiced and enforced to insure vermin control and the keeping of proper sanitary living conditions. These procedures are discussed in the regulations of the Department For Human Resources drawn under authority of KRS 211.920 to KRS 211.945 (The Confinement Facilities Health Act-1974). (Sec E2,E3,E4).

The U.S. Bureau of Prisons has published a book titled Institutional Sanitation. The Jailer may wish to obtain a copy by writing to: Director, U.S. Bureau of Prisons, 101 Indiana Avenue, N.W., Washington, D.C. 20534.

The National Sheriffs' Association published a booklet in 1974 titled Sanitation in the Jail which has recommended sanitation standards regarding the jail building, equipment, supplies, and prisoner hygiene.

A1.33 Visiting. KRS 441.010 states that the County Court shall prescribe rules for the jail. Among those should be rules governing all visits to the jail.

Courts have unanimously recognized the right of an attorney to visit his client within the prison. They have also struck down rules limiting such visits to 50 minutes or requiring that they be conducted at specified hours. Reasonable regulations which do not interfere with the attorney's rights to see his client would be allowed. Staff are not allowed to listen to conversations between attorneys and their clients, although the visual observation of such visits has been allowed.

It is generally agreed that visits are good for prisoner morale. The degree of supervision required for these visits depends on the physical arrangement of the visiting area. The most common arrangements in jails involve the use of telephones and glass, wire mesh, tables; or, for minimum security, lounge furnishings.

Certain procedures must be followed to prevent the introduction of contraband. For example, each prisoner can be given a strip search after a visit, or prisoners may be issued visiting clothes that must be changed after the visit under the supervision of the officer-in-charge. Also, the officer-in-charge can do a random search, searching any prisoner he suspects, or possibly searching every third prisoner.

The officer supervising visits must be aware of what is going on between visitors. He must not be distracted by noise or unusual behavior. There should be someone on whom he can call for assistance should any need for it arise, so that the problem can be handled and supervision of visits can continue unbroken.

The visiting room officer must not become involved in conversation with prisoners or visitors. If he does he cannot supervise visits as they should be.

Generally, visits by clergymen for purposes of counseling prisoners should be treated as professional visits and receive the same consideration as visits by attorneys. Conversation between a prisoner and his minister is privileged, and should be permitted to take place in privacy.

It is important that all rules regarding visiting be in writing and made available to all prisoners and to all visitors. When all concerned know of the rules in advance, they will not, as a rule, feel they are the object of special restrictions when rules violations are pointed out to them. For instance, a written rule may state the length of each visit to be one hour. When the visiting time of one hour has expired, both prisoner and visitor know that the visit is being ended because of the rule and not because of the personal ruling of the officer-in-charge.

A1.34 Volunteers. There has been an increasing use of volunteers in jail and correctional programs in recent years. This is due in part to lack of funds for programs and personnel. It is also due to the increasing concern for programs that involve the community in the problems of the jail.

The use of volunteers is not new. As far back as 1800 religious instruction and counseling of jail inmates by persons from the community was taking place. John Augustus, a Boston shoemaker, was a volunteer in 1840. Probation, as we know it today, got its start through him.

There is much information on the recruitment, orientation and training of volunteers in Book 3, Jail and Community Corrections Programs, of the Jail Management Training Course which was developed by the U.S. Bureau of Prisons in cooperation with the University of Wisconsin. (See Sec D5).

If the Jailer decides to begin a Volunteer Program the following subjects should be covered in orienting and training volunteers:

1. The objectives of the jail (confinement, security, safekeeping, correction).

2. Existing jail programs and their objectives. Any program in the jail should be discussed.

3. Jail schedules, rules, and regulations. The volunteer coming into the jail should learn how the jail operates and why, and the importance of coordinating the volunteer program with existing procedures.

4. The objectives of the volunteer program and its relation to other jail objectives and programs.

5. Rules and guidelines for the volunteer. Rules for employees will generally apply to the volunteer as well while he is in the jail. His relationship with jail personnel and his responsibility to the person assigned to supervise the program should also be discussed.

In 1970 a Volunteers in Corrections Program was established in the Bureau of Corrections. Currently, volunteers are active throughout the state and in all Bureau of Corrections institutions. Jailers interested in a volunteer program may contact the Deputy Commissioner For Community Services, Bureau of Corrections, State Office Building, Frankfort, KY 40601.

Information may also be obtained from VIP Division, National Council on Crime and Delinquency, P.O. Box 31, Flint, Michigan 48501. VIP stands for Volunteers in Prevention, Prosecution, Probation, Prison, and Parole. The organization publishes a newsletter The VIP Examiner. As of this writing there is no cost for a subscription.

A suggested function of Volunteers in the jail program would be as admission interviewers to obtain the kinds of information needed on which to base classification decisions. (Sec A1.13).

A1.35 Water: DHR regulations drawn under authority of KRS 211.920 to KRS 211.945 (Confinement Facilities Health Act-1974) sets standards for the jail water supply:

> The water shall be adequate, of a safe, sanitary quality and from an approved public supply. If there is no public supply, the water supply shall be obtained from an approved water supply system which is constructed, protected, operated, and maintained in conformance with applicable state laws and regulations. Approved drinking fountains or single service drinking cups shall be provided for use by prisoners.

The booklets titled Sanitation in the Jail, and Food Service in Jails contain valuable information regarding water supply. Both booklets are published by The National Sheriffs' Association. (Sec D3).

A1.36 Physical Force, Use of: Although there is no definitive case in U.S. Supreme Court, there are enough lower court cases to suggest that corporal punishment of whatever kind is unconstitutional under any circumstances. However, corporal punishment must be distinguished from the use of force by officers in self-defense or to maintain institutional security. Corporal punishment which has been declared unconstitutional is that imposed as a specific punishment for a specific offense. It does not relate to the use of force generally. Thus an officer still retains the right to use reasonable force to protect himself and to stop a disturbance within the institution when such force is reasonably necessary. However, even during a disturbance, the use of force as a punishment or in retaliation for acts of residents would not only be unconstitutional but could result in liability for damages. The test for whether force is necessary is whether property or lives are in danger. Thus, in a recent case, a federal court held the director of a corrections division liable in damages amounting to over $20,000 to be paid out of his own pocket for permitting improper use of force. (A settlement was reached after judgment which provided, effectively, for payment of these damages by the state).

KRS 503.010 through 503.110, all of which are in Section B of this Manual, concern the use of physical force. The Jailer and his staff should be fully aware of these statutes. The rules of the jail should include procedures on the use of physical force and point out the employee's responsibilities and liabilities in that connection.

A1.37 Medical Care: The Jailer and his staff should be thoroughly familiar with the standards for medical care set forth by the Department For Human Resources as directed by the Confinement Facilities Act of 1974. (Sec B:KRS 211.920 through KRS 211.945) Those standards are contained in Section E of this Manual.

At some point in the Jailer's term of office he will have to provide for medical treatment of prisoners. Once a prisoner has been committed to the jail, the Jailer has a responsibility to exercise due care in the treatment and confinement of the prisoner. No matter whether the prisoner was ill or injured before he was brought to the jail, or became ill or was injured in the jail, the Jailer has certain obligations for obtaining medical treatment for him.

The standards set forth by the Department For Human Resources requires that within the framework of assessment of need and accessibility to medical services as described in their regulations, the medical care that is provided to prisoners shall be of a quality comparable to that generally recognized as good and acceptable in the civilian medical community.

Certain statutes impose upon the Jailer the duty to provide medical care for prisoners. They are:

> KRS 71.020 - Each Jailer shall have custody, rule and charge of the jail in his county and of all persons in the jail.....
>
> KRS 71.030 - The Jailer shall keep the jail comfortably warm, and clean and free from nauseous odors....
>
> KRS 71.040 - The Jailer shall receive and keep in the jail all persons who are lawfully committtted thereto, until they are lawfully discharged. He shall treat them humanely and furnish them with proper food and lodging during their confinement.

It is essential that each jail, however large or small, have procedures established to identify physical conditions and have the capacity to deliver immediate, professionally adequate medical care to prisoners suffering from serious injury or illness.

All jail personnel should be trained in first-aid and should be given some orientation by the jail physician as to when the physician should be called regarding any prisoner complaints or apparent symptoms. The Jailer should take the initiative in obtaining this training and orientation for himself and his staff. One source to which he can apply is the Area Jail Consultant who will have knowledge as to where and when training can be obtained.

The following procedures should be established in written form and all jail personnel should be thoroughly familiar with them. Since the County Court is required by statute to prescribe rules for the government and cleanliness of the county jail and the comfort and treatment of prisoners, medical care procedures should be included in those rules. (Sec B:KRS 441.010).

1. Admission Physical Examination: Department of Human Resources standards direct that all prisoners shall undergo a medical inspection within 24 hours after admission to the jail to identify any potential health hazards to himself, other prisoners, the staff, and the surrounding community.

In county jails in cities of the First, Second, and Third Class the medical inspections should be done by a licensed medical service personnel or a physician. Licensed medical service personnel means any nurse (R.N., P.H.N, L.P.N., Nurse Clinician) or physician assistant licensed in Kentucky.

However, the medical inspection may be done by the Jailer during the booking process in the following:

County jails in cities of the Fourth, Fifth, and Sixth Class, or smaller.
City jails in all classes of cities.

Whatever procedure or technique is used to accomplish the Admission physical examination must be reviewed and approved by the Department For Human Resources.

All prisoners to be confined for 14 days or longer shall have a medical history, physical examination and laboratory tests by a nurse or medical service personnel. History taking and the physical examination shall be conducted in a manner that does not violate principles of medical confidentiality.

Prisoners who are to be confined for 14 days or more in county jails in cities of the First, Second, or Third Class shall have a medical history taken, and a physical and psychological evaluation. Tests to be given are: Chest X-ray (if indicated), urinalysis, hematocrit, TB skin test, VDRL, and Pap test for females, and urine tests for narcotic addicts (if indicated).

If, as provided for in KRS 441.070 the Fiscal Court has established a workhouse and appointed a manager, then under KRS 441.110 the Fiscal Court shall employ a physican to attend sick prisoners in the workhouse. It is the duty of the manager or lessee of the workhouse to promptly inform the physician of any case of sickness.

In county jails in cities of the Fourth, Fifth, and Sixth Class, or smaller, and in city jails in cities of the First, Second, and Third Class, all prisoners to be confined for 14 days or more shall have an abbreviated history and physical examination. Tests to be given are: Urinalysis, TB skin test, VDRL, and hematocrit. The same holds for city jails in cities of the Fourth, Fifth, and Sixth Class, or smaller.

Every prisoner shall be deloused on admission if indicated.

Screening Tests: At least once a week the following tests shall be made available to every prisoner needing them: TB skin tests; blood presure; and VDRL

Malingering and Abuses: Consistent abuse or misuse of medical resources by individual prisoners shall be brought to the attention of the Department For Human Resources representative.

Sick Call: Sick call shall be held daily in county jails in cities of the First, Second, and Third Class. A nurse or licensed medical service personnel may actually deliver the services with physician back-up.

In county jails in cities of the Fourth, Fifth, and Sixth Class, or smaller, and in city jails in all Class of cities sick call shall be conducted on an as-needed basis.

A list of all prisoners requesting to be seen at sick call with the reason for their request shall be given to the person conducting the sick call prior to starting, who will determine the priority in which the prisoners are to be seen.

Dental Services: The Department For Human Services regulations state that a well defined program for dental health care shall exist within every facility to meet the needs of prisoners. These regulations set forth standards and procedures for dental services. (Sec E2).

Medical Supplies: Section E4 contains the Department For Human Resources regulations which state that each Jailer, in cooperation with the jail physician or the County Medical Officer, shall develop plans, establish procedures, and provide space and accessories for the secure storage and the controlled administration of all legally obtained drugs. Also, certain standing orders shall be developed for the dispensing of certain drugs without a physician's direct order, for example: Kaopectate, Maalox, anti-histamines, cold tablets, aspirin, laxatives. Individual records shall be kept on all drugs dispensed.

Medical records: The kinds of medical records to be kept are set forth in Sec E2, E3, E4.

Other Medical Services by Medical Personnel:

1. Prescribe special diets for persons under medical care.
2. Frequent sanitary inspections.
3. Maintain liaison with community medical agencies.
4. See that prisoners on continuing medication have a supply of medicine and copy of prescription(s) when released.

If a prisoner becomes sick or injured and the Jailer does not attempt to obtain medical aid, the Jailer may be held liable.

A frequent question is: Who pays for the medical treatment which the Jailer must obtain for the sick or injured prisoner?

In City of Richmond v Madison County Fiscal Court Ky 161 S.W. 2d 58 (1942), the Court of Appeals said: "The duty of providing for the care, treatment, and maintenance of the sick and poor of the entire county is imposed upon the Fiscal Court...and aid should be furnished without discrimination because of the recipient's place of residence within the county".

Also in City of Paducah v McCracken County et al, Ky 204 S.W. 2d 942 (1947), the Court said, "...We think that the primary duty to care for the poor and sick rests on the County ....but the City also has a duty in this respect..."

The federal courts and other state courts have ruled that the official who has custody of the jail and prisoners must provide adequate medical care for his prisoners. A federal court in Edwards v Duncan 355 F. 2d 993 (1966) ruled that prisoners are entitled to medical care and that reasonable medical care is not one of the things that may be denied to prisoners. This duty includes an examination of prisoners when they are brought in to be confined, and securing prompt medical treatment when it is needed.

In Waters v Dade County, Fla 169 So. 2d 505 (1964) a prisoner lodged in jail with a broken arm on a D.W.I. charge was allowed to recover when not given prompt medical attention.

In State v National Surety Co. Tenn 39 S.W. 2d 581 (1931) the Court found the sheriff-jailer negligent after the prisoner died from injuries suffered in an automobile accident because the jailer failed at least to examine him.

Farmer v State Miss. 79 So. 2d 528 (1955) found the sheriff-jailer negligent for failing to summon a doctor to check the complaints of a prisoner.

Successful suits againt prison officials all show an acute physical condition in existence, the obvious need for urgent medical care, not that it would have been better to call the doctor than not to do so, but a failure to provide it, and a tangible residual injury resulting from the failure. There is no reason why the Kentucky Court would not follow these federal and state decisions and impose the same duty upon Kentucky Jailers to examine a prisoner for injuries and summon aid for a sick or injured prisoner. (See also Sec E3 and E4).

Using these cases and KRS 67.080 (8) the Attorney General in three written opinions has said that it is the duty of the Jailer to obtain medical aid for a sick prisoner and it is the duty of the county to provide essential medical care to prisoners when the prisoners are without funds or friends to provide the medical care for themselves. (Sec C3:1958-42. 117).

In response to a question as to the duty of a Jailer to obtain medical aid and who pays for the medical service, the Attorney General said, "If the prisoner is indigent, the county must pay for such services and transportation costs... if the prisoner is charged with a felony the County Judge has the authority to provide a guard or guards, the cost of which is borne by the county (KRS 70.610)...If the prisoner is charged with a misdemeanor, you can take him to the doctor, but the transportation cost must be borne by the county if the prisoner is an indigent. If he is not indigent, then he (the prisoner) must pay for such costs." (Sec C3:70-329).

When the prisoner is committed by a city, the Attorney General is of the opinion that if the person is indigent the primary responsibility for furnishing necessary medical attention and drugs rests upon the county. The opinion further stated that the medical care of indigents is an area in which the city and county may agree between themselves as to the sharing of responsibility especially if the city has received the benefit of any fines. (Sec C3:66-7).

If the medical care is such that the prisoner needs to take medication, the Jailer should take control of the medicine and keep it in his custody. The Attorney General said, "...in regard to medication for prisoners, the Jailer should retain control of all medicine and medical supplies. In the interest of the health of the prisoner and keeping order in the jail, the Jailer may supervise the taking of medication to the point of insuring that the medications are taken as prescribed by the physician." (Sec C3:68-344).

If, as provided for under KRS 441.070 the Fiscal Court has established a workhouse and appointed a manager, then under KRS 441.110 the Fiscal Court shall employ a physician to attend such prisoners in the workhouse, and it is the Manager's duty to seek medical treatment for sick prisoners.

The information on the following pages is provided for the information and guidance of the Jailer and his staff.

STROKE

Stroke, CVA (cerebral vascular accident). Apoplexy - condition in which a portion of the brain suddenly loses its function due to inadequate blood supply.

Causes

a. Clot blocking the flow of blood to a part of the brain (thrombosis).
b. Rupture of a blood vessel, with hemorrhage into the brain tissue, destroying it.
c. Clot which has formed elsewhere (embolus) travelling to an artery of the brain and blocking it.

Symptoms

a. Numbness or paralysis.
b. Confusion or dizziness.
c. Difficulty speaking or swallowing.
d. Decreased consciousness.
e. Convulsions.
f. Loss of bladder - bowel control.
g. Excruciating headaches leading to unconsciousness.

Emergency Treatment

a. Maintain airway (and give oxygen if necessary and available).
b. Transport the patient with the head turned to the side so saliva can run out of the mouth.
c. Give tender loving care (TLC) - Remember the patient might be able to hear, but not to respond.

TRANSPORTING THE INJURED

Transportation of the injured should be orderly and planned. Poor transporting techniques can cause further injury to the patient.

Before moving the patient, give all necessary first aid; make sure that all injuries have been located; and all fractures, sprains, and dislocations immobilized.

In using a stretcher,, make sure it is strong enough and the patient is secured to it. Carry it so the patient is moved feet first, and in placing the patient on the stretcher use as many people as possible and coordinate all movements so the patient's body will not sag, bend, or twist.

When transporting a patient with a back injury and/or spinal fracture, follow the following rules:

a. If the neck is fractured, place pillows or sandbags on the side of the patient's neck to immobilize it.
b. If the back is fractured, transport the patient face down, sliding the patient onto a rigid board (a door can be used). If you must transport the patient face up because of other injuries, put padding under the small of the back.
c. If you are not sure of the site of the fracture, transport the patient face up with support in the small of the back and the head and neck immobilized.
d. Do NOT move the patient unless there are enough people to help and there is a rigid board to be used as a stretcher.

RESPIRATORY PROBLEMS

Normal physiology of breathing

a. Purpose - To take in oxygen and remove carbon dioxide.
b. How it works - With inspiration the diaphragm flattens allowing for a partial vacuum to form which enables the lungs to inflate. With expiration the diaphragm goes back to its normal position and air is forced out of the lungs.

Respiratory Problems

a. Caused by: heart attacks; drowning; electric shock; smoke inhalation; anaphylaotic shock; overdose of morphine, opium, barbiturates; compression of chest; compression of trachea by hanging; blow to neck; obstruction due to vomitus, phlegm, blood, foreign body.

b. Signs of inadequate breathing--No respiratory movement of chest or abdomen can be seen and no air can be seen or heard moving in and out of the mouth or nose; patient struggling to breath (muscles in neck stand out but no air can be seen or heard moving in or out of mouth or nose); breathing is noisy or has bubbling sound; patient is breathing very slowly; cyanosis (bluish color) is present.

Establishing an Airway

Extend the patient's neck and hold the chin forward, thus pulling the tongue away from the pharynx (back of throat) and opening the airway. If neck fracture is suspected, though, try to establish an airway by lifting the chin or jaw and not tilting the head. If there is any foreign material in the mouth, clear it out by opening the mouth and swabbing the throat with a finger (wrapped in a clean cloth if possible). It might be necessary to turn the head to the side to prevent further obstruction if neck injury is not suspected.

Mouth-to-Mouth Resusciation - 12-15 times/minute

a. Clean out mouth.
b. Tilt head back.
c. Pinch off nostrils. By putting palm on forehead, you can keep the head extended back and still be able to pinch off nostrils.
d. Make airtight seal to mouth.

CHECKLIST - APPROACHING INJURED PERSON

Is person ALIVE?

No breathing, pulse. --Pupils dilated and nonreactive.
Unconscious, cold, stiff.
If person has shown all these signs and over 10 minutes has elapsed do not try to revive.

Is person BREATHING?

Feel for breath from nose or mouth.

Is HEART BEATING?

Feel for pulse in carotid arteries or listen for heart-beat in chest.

Is person BLEEDING?
Where, How much?

Is person in SHOCK?
Pulse rapid and weak; breathing shallow; person confused, anxious, getting comatose; skin cold and clammy; blood pressure low ------Keep checking for shock since it can begin at any time.

Are there NON-BLEEDING INJURIES?
Check from head to toe (head, eyes, spine, chest, abdomen, bones, joints, muscles, burns, exposure). Check for sensations and movement in all areas of body. Check for pain.

Does person have CHRONIC ILLNESSES, ALLERGIES, VITAL MEDICINES?
History of diabetes, epilepsy, heart condition, etc. Allergies to drugs.

Has person taken any DRUGS?
If yes - what, when, how much?

INJURIES TO THE SKULL AND BRAIN

Types of Skull Fractures

a. Line fracture - most skull fractures fall into this category.
b. Depressed Skull Fracture - pieces of bone have been pushed inward, pushing against and injuring brain tissue.
c. Exposure of brain tissue through the skull and scalp.
d. Fracture due to penetrating object. (Do NOT remove the object).

Signs of Skull Fracture

a. Deformity of the skull.
b. Blood or cerebrospinal fluid draining from the ears or nose. Let this drain to prevent futher increases in pressure.
c. Ecchymosis "Black Eyes" in the soft tissue under the eyes.

Management of Skull Fracture

a. Maintain an airway
b. Control bleeding.
c. Cover any open wounds.

Injuries to the Brain

a. Concussion - Blow to the skull in which there is no demonstrable damage to the brain. It may cause confusion, temporary anmesia or even unconsciousness.
b. Bruising - Occurs when an object hits the skull with resultant bleeding. The patient may lose consciousness. The longer the period of unconsciousness, the more damage there is to the brain. With bruising, there is some internal bleeding and an increase in pressure within the skull area.
c. Bleeding inside the skull - There is an increase in pressure, with resultant damage to brain cells.

Evaluating a Patient

a. Is he conscious? Oriented?
b. Has he been unconscious? For how long?
c. Is he becoming worse? More confused or unresponsive?
d. Are the pupils equal and reactive? If not there is an increase in pressure, and the patient must be gotten to the hospital IMMEDIATELY.
e. Is there a neck injury? Handle as if there were unless you are sure there is none.

Management of Patient with a Brain Injury

a. Maintain respiration - Elevate head of the stretcher, but do NOT put head on a pillow since this will flex neck and produce an airway obstruction. There will often be breathing difficulties due to shock, obstruction, brain damage, paralysis, etc., so be prepared.
b. If there is bleeding into the mouth and throat, position the patient's head so the blood can drain out.
c. Watch for signs of vomiting.
d. Transport patient to the hospital as quickly as possible.

INJURIES TO THE HEAD, FACE, AND NECK

When taking care of a person with a head injury, remember the patient may also have a neck injury.

Watch for breathing problems which are due to blood clots or loose teeth in the throat and/or severe brain damage, which may interrupt nerve connections that control breathing.

Soft Tissue Wounds of face and scalp

a. Keep airway open - blood may drain into the throat.
b. Control bleeding. This is a very vascular area.
c. Apply dressings that will help control bleeding, but

be careful not to apply too much pressure to the scalp if bone damage is suspected.

d. Check for bleeding into the mouth.

e. Use hair (if possible) to form a suture by pulling a few strands on both sides of the wound together and tying.

f. If there is a flap of skin, especially in the scalp, replace it in its normal position.

g. Position the patient so blood or vomit can drain. If there is a possibility of a neck fracture, immobilize the neck before turning by using a rigid board onto which the patient has been strapped, then turn the board on its side. If there is severe skull or brain injuries, elevate the feet.

Neck Wounds - can produce severe bleeding. If a large vein is lacerated, pressure should be applied above and below the point of bleeding to prevent air from entering the circulatory system. Air in the circulatory system can be fatal.

Facial Fractures

a. Maintain an airway.

b. Stop bleeding - Check inside the mouth.

c. If teeth are loose, send them to the hospital with patient.

A1.38 Juveniles: Juveniles may be detained in a jail in Kentucky only under certain circumstances.

Whenever detention of a juvenile in a jail must occur, it becomes the Jailer's responsibility to make certain that he or she is provided every possible protection and that an effort be made to help him or her avoid any experiences that might be harmful.

Under no circumstances should a juvenile be housed with adults. There is always the possibility of sexual assault by older and physically stronger prisoners unless the juvenile is housed separately. In fact, both KRS 208.120 and the regulations of the Department For Human Resources (Sec E4(2)) require that a juvenile be housed in a room or ward entirely separate from adult prisoners. The Attorney General, in a 1974 opinion, stated: To be entirely apart from adult prisoners there must be not only physical separation but also separation from communication with adult prisoners. In addition, if at the same time both boys and girls are committed to a jail or other place where there are adult prisoners, there must be an additional separation of boys from girls. This separation must be so complete that the juvenile area must not connect with the adult area even as concerns the juvenile's sight, hearing, smell, or touch, and that any possibility of communication with regular jail prisoners must be eliminated. (Sec C3: 74-752).

In the same opinion (Sec C3:74-752), the Attorney General stated that he did not believe that the County Jailer has any statutory duty to assume the custodial role as the keeper of the permanent detention facility authorized by KRS 208.120 to be built and staffed by a Fiscal Court.

Just keeping juveniles in separate quarters is not all that is required. Juveniles present special supervisory problems because they are more impulsive and often more emotional than older prisoners. Their behavior may therefore be more difficult to control, requiring more patience and understanding by staff members who supervise them.

Constant supervision of juveniles would be ideal and would eliminate numerous problems.

Juveniles in close confinement are likely to become restless, mischievous, and on occasion destructive. Their tendency to act without thinking can turn a joke into a tragedy.

Sometimes the attempts by juveniles to manipulate the staff can have serious consequences. A fake suicide attempt, for example, may result in death because the juvenile goes too far and there is no one around to stop him or her.

When juveniles are housed together in one cell, the stronger ones may abuse the weaker; disagreements between cellmates can result in fights which may cause injury to one or both parties. The possibility of sexual assault also exists in such situations.

Juveniles tend to be more abusive and hostile than older prisoners. They may also present serious security risks, since they often make impulsive escape attempts or assaults on personnel.

The Jailer and his staff must exercise caution, follow security procedures, and use the proper supervisory techniques in controlling juveniles.

KRS 441.280 states that when a child is taken to a station house or jail and the Police Matron, or Assistant, is not present, the Jailer shall immediately notify her that the child has been received and is being detained.

A1.39 Facilities. KRS 71.020 gives the Jailer the custody, rule, and charge of the jail and requires that the Jailer or a Deputy Jailer keep the jail. KRS 71.030 and KRS 71.040 refer to the conditions in which the jail must be kept and to the treatment of prisoners. KRS says that the County Court shall prescribe rules for the government and cleanliness of the county jail and the comfort and treatment of prisoners.

The Jailer and Deputy Jailers are liable should any of the conditions mentioned in statutes cited are not met.

All of the statutes mentioned refer to the condition in which the facilities of the jail must be kept.

Prisoners have attacked entire correctional facilities or systems on the basis that living in those facilities is unconstitutional as cruel and unusual punishment. In evaluating these claims, the courts have not singled out any particular factor which automatically makes a correctional institution unconstitutional. Rather they have looked at the totality of circumstances within the institution. If life under the conditions that exists is "brutal" or "barbaric" or "shocks the conscience of the court" it will rule it is unconstitutional to confine persons therein. The prisoner thus has the right to some minimum standard of decency and humaneness in the institutions which he is confined.

It is impossible to list all of the factors which might make an institution "unconstitutional". Courts will be required to balance the good aspects of a particular facility against any negative conditions which exist. Thus, extensive rehabilitation programs might offset overcrowded cells. However, there are some guidlines which can be developed.

First, systematic denial of any of the rights discussed in Section A1.23 of this Manual will tend to make the entire facility unconstitutional, particularly where there is a wholesale denial of several of the rights discussed. Second, the conditions listed in Sec A1.6 which have been used to find that some isolation cells are unconstitutional would also apply to the institution as a whole. In addition, the following factors might, in combination, influence courts in their decision:

1. Gross Overcrowding. This is particularly important where the number of prisoners far exceeds the stated capacity of the institution.

2. Inadequate Staff. The correctional staff can be too small in number to give reasonable protection to prisoners or to conduct beneficial programs. The staff might also be inadequately trained, or it could

consist of too few specialists such as psychiatrists, psychologists, and counselors. Courts have strongly disapproved of using prisoners as correctional officers or in other capacities where they have influence or control over other residents.

3. Lack of Sanitation. This includes not only the cleanliness of the facility itself but the ability of the prisoners to maintain personal cleanliness.
4. Housing Arrangements. Barracks sleeping arrangements have been condemned where there was inadequate protection against homosexual assaults.
5. Inadequate Program. Lack of beneficial treatment and rehabilitation programs.

Many other factors will play a role in determining whether a particular facility reaches constitutional standards. Courts look to the totality of conditions in an institution. While staff can affect many of the conditions which exist, lack of resoutces is a dominant cause of many of the problems within institutions. However, several courts have specifically noted that lack of resources will not constitute a justification for maintaining an unconstitutional facility. As one court said: "If Arkansas is going to operate a Penitentiary system, it is going to have to be a system which is countenanced by the Constitution of the United States."

Section B

Kentucky Revised Statutes

Following is a listing of the Kentucky Revised Statutes with which the Kentucky Jailer and members of his staff should be familiar. The text of each statute listed is given in this Section.

Chapter 26

Police Courts - Practice and Procedure

Statute	
26.450	Imprisonment For Misdemeanor in City of the First Class.
26.460	Prisoners, Where Confined in Cities of Second Class.
26.470	Imprisonment, How Satisfied in Cities of Third Class
26.480	Fines and Costs, How Satisfied in Cities of Fourth Class.
26.490	Prisoners, Confinement and Compulsory Labor of, in Cities of Fifth and Sixth Classes.

Chapter 35

Military Justice

35.055	Confinement and Imprisonment in Civil Jails
35.060	Punishment Before Trial Prohibited
35.285	Execution of Confinement Sentence

Chapter 61

General Provisions As To Offices and Officers

General Provisions

61.170	Malfeasance or Neglect of County Officers; Penalty.
61.180	Drunkenness of Officer on Duty; Penalty.
61.190	Receiving Profits on Public Funds; Penalty.
61.300	Nonelective Peace Officer; Qualifications; Penalty.
61.310	Compensation to Peace Officers; Other Employment; Gratuities; Penalties.

Chapter 62

Oaths and Bonds

62.010	Oath of Office, When to be Taken.
62.040	Peace Officers' Oath to Suppress Gambling.
62.050	Bonds, When to be Given.
62.140	Premiums on Bonds Paid by State, When

Chapter 63

Resignations, Removals and Vacancies

Removals

63.090	Definition of "Neglect of Duty" as used in KRS 63.100 to 63.160.
63.100	Removal of Peace Officers For Neglect; Charges; Notice.
63.130	Proceedings Do Not Bar Criminal Action.
63.140	Removal of Peace Officers For Losing Custody of Prisoners.
63.150	Vacancies - How Filled.
63.160	Reinstatement by Governor.
63.170	Removal of Peace Officer For Violating KRS 61.310.
63.180	Proceeding For Removal of Nonelective Peace Officers.

Vacancies

63.220	County Offices - Vacancies In.
63.990	Penalties.

Chapter 64

Fees and Compensation

64.150	Jailers Fees.
64.170	Crediting Jailers.
64.345	Clerks, Sheriffs and Jailers in Counties Having Population of 75,000 or More; Compensation; Deputies; Office Expenses.
64.346	County Contribution Toward Office Expenses of Clerks, Sheriffs and Jailers in Counties Having Population of 75,000 or More.
64.350	Return of Fees to Counties Whose Officers Pay Fees into State Treasury.
64.355	Fees in Counties of 75,000 or More, Property of Respective County.
64.527	Annual Computation of Consumer Price Index For Determination of Rate of Adjustment of Compensation of Elected County Officials.
64.528	Compensation of Specified Adjusted to Current Purchasing Power of the Dollar.
64.530	Compensation of County Officers and Employees and Members of Fiscal Court.
64.535	Annual Salaries of Certain County Officers.

Chapter 67

County Buildings

67.080	Powers of Fiscal Court.
67.130	County Buildings, Jailer to Be Superintendent Of In Certain Counties.
67.140	Courthhouse and Grounds, Care and Custody Of In Certain Counties, Having Cities of Second Class.
67.150	Jailers Relieved Of Duties As To Courts In Certain Counties Having Cities of Second Class.
65.170	Personal Property Belonging To Courthouse And Jail, Jailer To Have Custody Of.

Chapter 71

Jailer

71.020	Bond and Oath
71.020	Custody of Jail
71.030	Jailer to Keep Jail Clean and Warm
71.040	Treatment Of Prisoners; Dispostion of Deceased Prisoners.
71.050	Officer Of Court
71.060	Deputy Jailers; Jail Matron; Appointment of
71.090	Sheriff To Act As Jailer
71.100	Jailer's Duties On Going Out Of Office
71.110	Office Of Jailer Consolidated With That Of Sheriff in County Containing First-Class City
71.990	Penalities

Chapter 72

Coroners, Inquests and Medical Examination

72.020 Duty of Person Finding or Possessing Dead Body.

Chapter 84

Cities of The Second Class

84.150 General Powers of Council

Chapter 85

Cities of the Third Class

85.140 Public Buildings; Public Ways and Sewers; Promotion and Regulation of Navigation

Chapter 86

Cities of the Fourth Class

86.110 General Powers of City Council

Chapter 95

City Police and Fire Department

Cities of the Fourth and Fifth Classes

95.730 Duties of Chief of Police

95.787 Arrested Persons, Where Kept in Cities of Fourth or Fifth Class

Chapter 202

Hospitalization Of Mental Patients

202.245	Admission On Application Of Health Officer; Restraint; Removal

Chapter 208

Juvenile Courts; Commitment And Care Of Children

208.120	Child Not To Be Detained In Police Station, Lock Up, Jail or Prison; Exception.
208.130	Detention Facilities; Agreements For Use of State Reception - Diagnostic Centers.
208.180	Disposition of Child Convicted of Felony, Or Misdemeanor.
208.260	Girls To Be Accompanied By Woman Attendant Or Relative, Report of Violations.
208.270	Commitment Order And Information To Be Furnished Department.

Chapter 211

State Health Programs

Confinement Facilities Health Act

211.920	Definitions
211.925	Powers And Duties Of Department
211.930	Prohibition
211.935	Inspection of Facilities
211.940	Transfer of Inmates To Facilities Which Meet Rules, Regulations, and Standards-Procedure-Costs
211.945	Administration of Existing Laws

Chapter 431

Crimes and Punishments

431.005	Arrest By Peace Officer; By Private Persons
431.130	Confinement in Penitentiary, County Jail or Workhouse; Nature.
431.140	Hard Labor; Discretion of Jury to Require of Male Defendant; Judgment.

Chapter 432

Offenses Against The State And Public Justice

432.510 Protection of Prisoners, Power of Officer to Summon Citizens; Arm Prisoners

Chapter 439

Probation and Parole

439.177 Parole Privileges For Certain Misdemeanants; Duties of Police Judge.

439.179 Release of Misdemeanants; Purposes For Which Permitted; Earnings of Prisoner, Records, and Disposition; Authority of County Judge, Jailer.

439.265 Period Within Which Court May Upon Motion Suspend Sentence and Place Defendant on Probation; Defendant's Right to Hearing on Motion; Exercise of Authority.

439.430 Parole, Probation or Conditional Release Officer May Arrest Parolee or Conditional Releasee, When; Detention of Parolee or Conditional Releasee...

439.550 Probation By Inferior Court; Supervision By Bureau of Corrections or Others.

439.610 Conduct Constituting Escape From Custody.

Chapter 440

Escapes, Fugitives From Justice And Extradition

440.040	Liability of Officer for Permitting Escape of Prisoner in Custody.
440.050	Liability for Aiding Escape of Prisoner
440.260	Confinement of Prisoner En Route; Duty of Jailer; Evidence of Extradition
440.270	Person charged with Crime in Another State May Be Arrested in This State; Procedure
440.280	Arrest May Be Made Without a Warrant; Conditions; Procedures
440.290	Commitment in Jail Pending Governor's Warrant Issued on Requisition
440.300	Bail Permitted; Conditions
440.310	Failure to Arrest Under Warrant of Governor
440.320	Forfeiture of Bond

Chapter 441

Jails, Workhouses and County Prisoners

County Jails

441.010	Rules for County Jails; Inspection
441.020	United States and Cities May Use County Jails
441.030	Transfer of Prisoners to Secure Jail; Circuit Judge May Order
441.040	Manner of Transfer; Compensation of Officers
441.050	Prisoner Transferred to Penitentiary When Violence Threatened; Officer's Compensation; Who Pays.
441.060	Board of Prisoner Transferred to Penitentiary; Who Pays
441.065	Use and Administration of Jail in County Containing City of First Class, After Establishment of Workhouse or Penal Farm

Workhouses and Working of Prisoners

441.070	Fiscal Court May Establish Workhouse
441.080	Joint Operation of Workhouse
441.090	Manager of Workhouse Appointment; Duties
441.100	Leasing out Workhouse; Duties of Leasee
441.110	Physician for Workhouse
441.120	Place Prisoners Worked; County Judge to Designate
441.130	Cost of Keeping Worked Prisoners; Who Pays; Housing for Work Crew
441.140	Rules Governing Working Prisoners
441.150	Managers and Guards for Work Crews
441.160	Prisoners Transferred to Workhouse; Procedure
441.170	Capias Pro Fine; Persons Arrested on May be Delivered to Workhouse.

441.200	Disposition of Prisoners; Jailer to Report
441.205	Workhouse or Penal Farm in County Containing City of First Class

Jails in Cities

441.210	"Station House" Defined
441.220	Female Prisoners in City of First Class; Mayor to Designate Places of Detention
441.230	Matrons for County Jail; Appointment, Salary and Quarters
441.240	Assistant Matrons for Station Houses; Appointment, Salary and Quarters
441.250	Qualifications and Term of Matrons
441.260	Hours and Duties of Matrons
441.270	Matron to Attend Court; be Present When Female Searched
441.280	Notification of Matron on Receipt of Female or Child
441.290	Jail Visiting Board in Cities of First Class
441.300	Jail Physician in Counties Containing 150,000 Population
441.310	Chaplain for Jail in Counties Containing City of First Class
441.320	City Jailer and Deputy in Cities of Second Class
441.330	City Jailer May Allow Time Off Sentences

Jail Facilities

441.410	Definitions
441.420	Approval of Construction Plans Required
441.430	Application for Approval of Plans; Delay Until Approval Obtained
441.440	Alteration of Plans or Construction Restricted
441.450	Approval Required for Remodeling or Reconstruction of Existing Facilities
441.990	Penalties

Chapter 446

Construction of Statutes

446.010	Definitions

Chapter 503

General Principles of Justification

503.010	Definitions
503.020	Justification: A Defense
503.030	Choice of Evils
503.040	Execution of Public Duty
503.050	Use of Physical Force in Self-Protection
503.060	Improper Use of Physical Force in Self-Protection
503.070	Protection of Another
503.080	Protection of Property
503.090	Use of Physical Force in Law Enforcement
503.100	Prevention of a Suicide or Crime
503.110	Use of Force By Persons With Responsibility For Care, Discipline or Safety of Others.

Chapter 520

Escape and Other Offenses Relating To Custody

520.010	Definitions
520.020	Escape in the First Degree
520.030	Escape in the Second Degree
520.040	Escape in the Third Degree
520.050	Promoting Contraband in the First Degree
520.060	Promoting Contraband in the Second Degree
520.070	Bail Jumping First Degree
520.080	Bail Jumping Second Degree

Chapter 526

Eavesdropping and Related Offenses

526.050	Tampering With Private Communication

Chapter 533

Probation and Conditional Discharge

533.020	Probation and Conditional Discharge

Chapter 26

POLICE COURTS

PRACTICE AND PROCEDURE

26.450 IMPRISONMENT FOR MISDEMEANOR IN CITY OF THE FIRST CLASS:

1. Except as otherwise provided by law, any person sentenced to imprisonment upon conviction of a misdemeanor in the police court of a city of the first class shall, unless discharged by authority of law, be committed to the workhouse or county jail and shall be there detained at hard labor in or out of the workhouse or county jail, if hard labor is imposed under subsection (3) of this section, until the sentence has been served.

2. When imprisonment is imposed by the judge or jury in the police court of a city of the first class, the judge or jury may direct whether or not the imprisonment shall be at hard labor, unless the statute imposing the penalty specifically prohibits the exercise of such discretion.

3. The Jailer, or Sheriff performing the duties of a jailer, of any county jail to which prisoners are committed at hard labor under subsection (1) of this section, may, by agreement with the city of the first class, provide for the adequate care, supervision, guarding, discipline, maintenance, transportation and housing of such prisoners while performing work or labor for the city outside the jail.

4. The procedure established by subsection (3) of this section for placing at work prisoners confined in county jails at hard labor is not intended to supersede other procedures otherwise prescribed by statute for the same purpose, but is intended as an addition or alternative method therefore.

26.470 IMPRISONMENT, HOW SATISFIED IN CITIES OF THIRD CLASS:

Persons sentenced to imprisonment in the police court of a city of the third class may be required to work in the city workhouse or on the streets, alleys or any public work of the city during the period of imprisonment.

26.480 FINES AND COSTS, HOW SATISFIED IN CITIES OF FOURTH CLASS:

Upon any judgments of the police court in a city of the fourth class imposing a fine in favor of the state or the city, the city attorney may cause an execution to be issued and levied on the estate of the defendant, or may cause the defendant to be imprisoned in the city workhouse, if there is one, or the county jail, or compelled to labor at work not detrimental to health upon the streets or other public property of the city or in the workhouse or jail at the rate of one dollar ($1.00) per day until the fine and costs are paid, unless the rate of wages is changed by the city legislative body. The city council may by ordinance regulate such labor. When any fine or costs is paid by labor, the city shall not be liable to any officer for any part of the fine or costs. The defendant may at any time replevy the fine for three months by executing a bond, with good surety, for the amount of the fine and costs and six per cent interest.

26.490 PRISONERS, CONFINEMENT AND COMPULSORY LABOR OF, IN CITIES OF FIFTH AND SIXTH CLASSES:

1. Any person sentenced to imprisonment by the police court of a city of the fifth class for violating a city ordinance may be imprisoned in the city jail, and if there is no city jail he shall be imprisoned in the county jail.

2. Any person sentenced to imprisonment by the police court of a city of sixth class for violating a city ordinance may be imprisoned in the city jail or, if the board of trustees so prescribe by ordinance, in the county jail.

3. The cost of imprisonment in city or county jail as provided for in this section shall be paid by the city.

4. When imprisonment is imposed by the judge or jury in the police court of a city of the fifth or sixth class, the judge or jury may direct whether or not the imprisonment shall be at hard labor, unless the statute imposing the penalty specifically prohibits the exercise of such discretion. Any person so sentenced shall be committed to labor in the workhouse, or on the streets or other public works or property within the city, until the imprisonment is satisfied.

Chapter 35

MILITARY JUSTICE

35.055 CONFINEMENT AND IMPRISONMENT IN CIVIL JAILS:

1. Confinement and imprisonment other than in guardhouse, whether prior to, during or after trail by a military court, shall be executed in jails, penitentiaries or prisons designated by the governor or by the adjutant general for that purpose.

2. No provost marshal, commander of a guard, warden, jailer or officer of any jail, penitentiary or prison, as designated in subsection (1) of this section, shall refuse to receive to keep any prisoner committed to his charge when the committing person furnishes a statement, signed by him, of the offense charged against the prisoner.

3. Every provost marshal, commander of a guard, warden, jailer or officer, as set out in subsection (2) of this section, to whose charge a prisoner is committed shall, within twenty-four (24) hours after such commitment or as soon as he is relieved from guard, report to the commanding officer of the prisoner the name of such prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment.

35.060 PUNISHMENT BEFORE TRIAL PROHIBITED:

Subject to the provisions of KRS 35.280, no person, while being held for trial or the results of trial, shall be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him, nor shall the arrest or confinement imposed upon him be any more rigorous than the circumstances require to insure his presence, but he may be subjected to minor punishment during such period for infractions of discipline.

35.285 EXECUTION OF CONFINEMENT SENTENCE:

1. A sentence of confinement adjudged by a military court may be carried into execution by confinement in any place of confinement under the control of the national guard or active militia, or in any jail, penitentiary or prison designated for that purpose as prescribed in KRS 35.055; and persons so confined in such a jail, penitentiary or prison shall be subject to the same discipline and treatment as persons confined or committed to such jail, penitentiary or prison by the courts of the state.

2. The omission of the words "hard labor" in any sentence of a courtmartial adjudging confinement shall not be construed as depriving the authority executing such sentence of the power to require hard labor as a part of the punishment.

3. The jailers, officers, and wardens of all jails, penitentiaries or prisons designated pursuant to KRS 35.055 shall receive the bodies of persons ordered into confinement prior to trial and of persons committed to confinement by the process of mandate of a military court and shall confine them according to law, and no such jailer, officer or warden shall demand or require payment of any fee or charge of any nature for receiving or confining a person in such jail, penitentiary or prison except that county jailer may be entitled payment for keeping and dieting prisoners in jail as provided in KRS 64.150.

Chapter 61

GENERAL PROVISIONS AS TO OFFICES AND OFFICERS

61.170 MALFEASANCE OR NEGLECT OF COUNTY OFFICERS; PENALTY:

(1) County judges, justices of the peace, sheriffs, coroners, surveyors, jailers, county attorneys and constables may be indicted in the county in which they reside for misfeasance or malfeasance in office, or willful neglect in the discharge of official duties, and if convicted they shall be fined not less than one hundred nor more than one thousand dollars, and the judgment of conviction shall declare the office held by such person vacant.

(2) Any sheriff, deputy sheriff, policeman or other peace officer who fails to enforce any provision of KRS 242.010 to 242.990 after receiving information of a violation thereof, or having knowledge of a violation thereof and failing to act thereon, may be indicted for nonfeasance or malfeasance in office, and if convicted shall be fined not less than fifty nor more than two hundred dollars, and the judgment of conviction shall declare the office held by such person vacant.

(KRS 242.010 to KRS 242.990, mentioned in the second paragraph of KRS 61.170 has to do with Alcoholic Beverages. These are not contained in this Manual. However, Jailers and Deputy Jailers should know the contents.)

61.180 DRUNKENNESS OF OFFICER ON DUTY; PENALTY:

If any person holding a public office shall, while in the discharge of the duties of his office, become intoxicated, or unable, incompetent or disqualified to discharge any of the duties of his office by the use of spirituous, vinous or malt liquors, he shall be fined not less than one hundred nor more than one thousand dollars.

61.190 RECEIVING PROFIT ON PUBLIC FUNDS; PENALTY:

Any public officer who shall receive, directly or indirectly, any interest, profits or perquisites arising from the use or loan of public funds in his hands, or to be raised through his agency, shall be punished by confinement in the penitentiary for not less than one nor more than five years. The judgment of conviction shall recite that the offender is disqualified to hold any public office thereafter.

61.300 NONELECTIVE PEACE OFFICER; QUALIFICATIONS; PENALTY:

(1) No person shall serve as a deputy sheriff, deputy constable, patrol or other nonelective peace officer or deputy peace officer, unless:

(a) He is a citizen of the United States and is twenty-one (21) years of age or over;

(b) He has resided in the county wherein he is appointed to serve for a period of at least two (2) years;

(c) He has never been convicted of or is under indictment for a crime involving moral turpitude;

(d) He has not within a period of two (2) years hired himself out, performed any service, or received any compensation from any private source for acting, as a privately paid detective, policeman, guard, peace officer or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private policemen or private guards, or advertised or solicited any such business in connection with any labor dispute;

(e) He has filed his photograph with the county clerk of the county in which he is to serve, together with his affidavit stating his full name, age and residence address and that he is not prohibited from serving by this section.

(2) The photograph so filed with the county clerk shall constitute a public record.

(3) Any person who exercises any of the functions of a nonelective peace officer or deputy peace officer in violation of the provisions of this section shall be fined not less than one hundred (100) nor more than five hundred dollars ($500), or imprisoned in the county jail for not more than six (6) months, or both.

61.310 COMPENSATION OF PEACE OFFICERS; OTHER EMPLOYMENT; GRATUITIES; PENALITIES:

(1) "Peace Officer", as used in this section, means any sheriff, deputy sheriff, constable, deputy constable, patrol or any other peace officer or deputy peace office except those appointed pursuant to KRS 61.360 or 277.270 and those employed by a board of education.

(2) No peace officer shall receive any compensation or remuneration, directly or indirectly, from any person for the performance of any service or duty except that he may be compensated for employment authorized by subsection (4) of this section. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.

(3) Peace officers shall receive for the performance of their services and duties only such compensation or remuneration as is regularly provided and paid out of the public funds to the amount and in the manner provided by law except that they may be compensated from private funds for employment authorized by subsection (4) of this section. Donations made by persons to any governmental unit or officer thereof do not constitute public funds within the meaning of this subsection.

(4) A peace officer may, while in office, and during hours other than regular or scheduled duty hours, act in any private employment as guard or watchman or in any other similar or private employment. However, he may not participate directly or indirectly, in any labor dispute during his off-duty hours. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.

(5) No principal peace officer shall appoint or continue the appointment of any deputy contrary to the provisions of this section. When it appears by the affidavit of two citizens, taxpayers of the county, filed with any principal peace officer, that there is reasonable cause to believe that any of his deputies are receiving compensation from private sources contrary to the provisions of this section, the peace officer shall forthwith investigate the charges contained in the affidavit, and if he finds the charges are true he shall forthwith remove any such deputy from office. Failure to do so shall constitute neglect of duty on the part of the principal peace officer, and he may be removed from office under the provisions of KRS 63.170.

(6) In addition to being subject to removal from office, any peace officer who violates any of the provisions of this section shall be fined not less than five hundred nor more than five thousand dollars, or confined in jail for not more than one year, or both.

(7) Except as provided in KRS 61.360 and 277.280, any person who directly or indirectly pays or contributes or causes to be paid or contributed any money or other thing of value to any peace officer or to any governmental unit or officer thereof, either as a gift or donation or for the performance of any public duty, shall be fined not less than five hundred nor more than five thousand dollars.

Chapter 62

OATHS AND BONDS

62.010 OATH OF OFFICE, WHEN TO BE TAKEN:

1. No officer shall enter upon the duties of his office until he takes the oath required of him by law.

2. Each person elected to an office shall take the oath of office on or before the day the term of office to which he has been elected begins.

3. Each person appointed to an office shall take the oath of office within thirty (30) days after he receives notice of his appointment.

62.040 PEACE OFFICERS' OATH TO SUPPRESS GAMBLING:

Every Peace Officer shall take an oath that he will endeavor, to the best of his ability, to detect and prosecute all gamblers and others violating the laws against gaming.

62.050 BONDS, WHEN TO BE GIVEN:

1. No officer required by law to give bond shall enter upon the duties of his office until he gives the bond.

2. Each person elected to an office who is required to give bond shall give the bond on or before the day the term of office to which he has been elected begins.

3. Each person appointed to an office who is required to give bond shall give the bond within thirty (30) days after he receives notice of his appointment.

62.140 PREMIUMS ON BONDS PAID BY STATE, WHEN:

1. Each circuit clerk, county clerk, jailer and sheriff whose fees are paid into the state treasury, and who has the bond required of him by law executed by an incorporated surety company authorized to do a surety business in Kentucky, shall have a claim against the state for the amount of the premium paid by him, payable as other claims are paid, but only expenses theretofore incurred that are entitled to be paid out of such fees. The amount of premium to be paid by the state shall be approved by the judge or court who approved the bond.

2. Every claim made under this section for the payment of a premium on a bond shall be verified by affidavit of the officer executing the bond as principal.

Chapter 63

RESIGNATIONS, REMOVALS AND VACANCIES

Removals

63.090 DEFINITION OF "NEGLECT OF DUTY"

As used in KRS 63.100 to 63.160, unless the context requires otherwise, "neglect of duty" includes the following things listed but does not exclude things not listed:

1. The commission of a trespass or wrongful act in the performance of official duty.

2. Accepting a bribe to neglect official duty.

3. Gross neglect equivalent to fraud.

4. Willful neglect and such forms of misfeasance or malfeasance as involve a failure in the performace of the duties required by law.

5. Careless or intentional failure to exercise due diligence in the performance of official duty.

6. Habitual drunkenness in office, or

7. Gross immorality or misconduct in office amounting to neglect of duty.

63.100 REMOVAL OF PEACE OFFICERS FOR NEGLECT; CHARGES; NOTICE:

1. A peace officer guilty of neglect of duty shall be removed from office in manner prescribed by KRS 63.100 to 63.130.

2. The Governor shall sign written charges setting forth the grounds for removal of the officer. The charges, when considered collectively, must be supported by the affidavit of at least two witnesses, but it shall not be necessary to support each separate count or individual charge embraced in the charges by two affidavits. The affidavits must be filed by the Governor as part of the record in the proceedings. The charges need not possess the formalities and exactness of an indictment. The charges shall be recorded in the Executive Journal and an attested copy thereof shall be made by the Secretary of State, and served upon the officer sought to be removed. No response shall be filed to the charges, but they shall stand traversed of record.

3. Notice must be given to the officer sought to be removed, stating the time and place of the hearing, and giving him at least twenty days to prepare his defense.

63.130 PROCEEDINGS DO NOT BAR CRIMINAL ACTION:

The removal of an officer from office under the provisions of KRS 63.090 to 63.120 shall not be a bar to criminal prosecution for misfeasance, malfeasance or wilful neglect in discharge of official duties.

63.140 REMOVAL OF PEACE OFFICER FOR LOSING CUSTODY OF PRISONER:

If any prisoner or other person lawfully in custody is taken from a peace officer and lynched, killed, maimed or injured, it shall be prima facie evidence of neglect of duty on the part of the peace officer. When such neglect of duty or such lynching or injury is made to appear to the governor, he shall at once publish a proclamation declaring the office of the peace officer vacant, and at the same time mail a copy of the proclamation to the peace officer, where upon the office shall be immediately vacated.

63.150 VACANCIES - HOW FILLED:

The county judge shall at once fill the vacancy created by a removal under KRS 63.140, either for the remainder of the term or temporarily as the occasion may demand, as provided for by KRS 63.220. Until a vacancy in the office of sheriff or jailer is filled, the coroner shall act as sheriff, and the county clerk shall take charge of the jail.

63.160 REINSTATEMENT BY GOVERNOR:

1. Any peace officer removed from office pursuant to KRS 63.140 may, within ten days thereafter, file with the Governor a petition for reinstatement. He shall give written notice of the filing of such petition to the county attorney of the district of which his county is a part, and the Governor shall give notice to the Attorney-General.

2. The Governor shall hear the evidence, which may be oral or by deposition, and arguments presented. If the Governor is of the opinion that the peace officer did all in his power to protect the life and person of the prisoner, and did not neglect to perform his legal duty, the Governor shall order the immediate reinstatement of the removed peace officer. The order of the Governor shall be final, and should he fail to reinstate, his previous order removing shall also be final.

3. When a peace officer is reinstated under this section, his original fidelity bond shall continue in full force and effect.

63.170 REMOVAL OF PEACE OFFICER FOR VIOLATING KRS 61.310:

Any "peace officer" as defined in KRS 61.130 who violates any of the provisions of subsections (2), (4), or (5) of KRS 61.310 may be removed from office by the same courts and in the same manner that a nonelective peace officer may be removed under the provisions of KRS 63.180.

63.180 PROCEEDING FOR REMOVAL OF NONELECTIVE PEACE OFFICER:

1. Any person serving as a nonelective peace officer or deputy peace officer in violation of the provisions of KRS 61.300 shall be subject to removal. The circuit court of the county in which such person is serving and the circuit court of Franklin County shall have concurrent jurisdiction of all proceedings for the removal of any such person. The proceedings shall be in equity and the procedure shall be as set forth in subsections (2), (3) and (4) of this section.

2. The Commonwealth's attorney of the judicial district or the county attorney of the county in which such person is serving, the Attorney-General, or any three or more citizens of said county may file a petition in equity setting forth the facts constituting a violation of the provisions of KRS 61.300. If instituted by the Commonwealth's attorney, county attorney or Attorney General, the proceeding shall be in the name of the Commonwealth, and if instituted by three or more citizens, it shall be in the name of such citizens as plaintiffs. A copy of the petition shall be served upon the person complained against, who shall have ten days in which to answer.

3. Thereafter the proceeding shall be heard and determined by the court, either in term or in vacation, as a proceeding in equity. The court or the judge thereof in vacation shall render a final judgment within sixty days from the date the petition is filed, unless the court or judge, for good cause shown, extends the time for the final hearing, but in no case shall it be extended beyond ninety days from the date the petition is filed.

4. If it appears upon final hearing that any nonelective peace officer or deputy peace officer is disqualified under the provisions of KRS 61.300, the court shall enter a judgment forthwith removing the officer from office.

Vacancies

63.220 COUNTY OFFICES: VACANCIES IN:

1. A vacancy in the office of sheriff, coroner, surveyor, county clerk, county attorney, jailer, constable, or county tax commissioner, shall be filled by the county court.

2. A vacancy in the office of circuit clerk shall be filled by the circuit judge of the district.

3. Appointments to fill vacancies under this section shall be until the successor is elected, as provided in Const. 152, and qualified.

63.990 PENALTIES

Any peace officer removed from office under the provisions of KRS 63.090 to 63.160 and not reinstated shall be disqualified from holding any office in this state for a period of four (4) years.

Chapter 64

FEES AND COMPENSATION

64.150 JAILERS' FEES:

1. Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day (jailer shall be paid the fee for each day the court is in session)-----------------$6.00
Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day-----------------------------------$2.00
Putting a prisoner in irons, for an offense other than a felony or contempt besides the costs of irons-----------------------$ .50
Keeping and dieting prisoners in jail when confined for an offense other than a felony or contempt of court, per day------------$4.25
Imprisoning and releasing a prisoner charged with a misdemeanor-------------------$ .75

2. Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing shall be paid by such city.

3. Jailers shall be paid out of the state treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt------------------$ .75
Keeping and dieting a prisoner charged with a felony or contempt, per day------------$4.25
Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons-$.50
Every day's attendance upon the circuit court-$6.00
Furnishing fuel, light, and water to the circuit court, not exceeding, per day-----$2.00
Imprisoning and releasing a prisoner for violation of his probation or parole; Provided, however, the state granting probation or parole has executed a compact with the commonwealth in accordance with KRS 439.560. The fees shall be the same as those charged for felony and contempt.

4. For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

5. If a court of a county sends a prisoner to a jail of another county, then the county treasurer of the county from which the prisoner was sent shall pay the treasurer of the holding county any fees to which the jailer of the holding county is entitled to by law.

64.170 CREDITING JAILERS:

The Executive Department For Finance and Administration or by its direction, the jailer, shall collect as speedily as possible the amount found to be due by each monthly statement from the county, city or United States, and shall give the jailer credit for the amount so collected and paid to the department of finance, as well as for the amount due from the state, which latter amount shall be considered as paid to the department of finance by the jailer.

64.345 CLERKS, SHERIFFS AND JAILERS IN COUNTIES HAVING POPULATION OF 75,000 OR MORE-COMPENSATION-OFFICE EXPENSES-DEPUTIES AND ASSISTANTS:

1. The circuit clerk, county clerk, sheriff and jailer of each county having a population of 75,000 or over shall receive an annual salary of $14,300.

2. In counties containing a city of the first class and in counties having an urban-county form of government, the amount, if any, allowed for the necessary office expenses of each officer shall be fixed by an order entered upon the order book of the circuit court and county court, and signed by the judges or a majority thereof of the courts. In all other counties with a population of 75,000 or more, the amount, if any, allowed for the necessary office expenses of each officer shall be fixed by the fiscal court by an order entered upon the fiscal court order book no later than January 15 of each year. A certified copy of the orders, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the executive department for finance and administration.

3. Each officer shall, on the first day of each month, send to the executive department for finance and administration a statement, subscribed and sworn to by him, showing the amount of money received or collected by or for him the preceding month, as fees or compensation for official duties, and shall, with such statements, send to the executive department for finance and administration the amount so collected or received. The executive department for finance and administration may extend the time for filing the statement and making the payment for a period not exceeding ten (10) days in any month.

4. The salary of each officer and his deputies and assistants and his office expenses, shall be paid semimonthly by the state treasurer upon the warrant of the executive department for finance and administration made payable to the officer. If seventy-five per cent (75%) of the amount paid into the state treasury in any month by any of such officers is not sufficient to pay the salaries and expenses of his office for that month, the deficit may be made up out of the amount paid in any succeeding month; but in no event shall the amount allowed by the executive department for finance and administration to any officer for salaries and expenses exceed seventy-five per cent (75%) of the amount paid to the executive department for finance and administration by the officer during his official term.

5. In counties containing a city of the first class and in counties having an urban-county form of government, the number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be fixed at reasonable amounts upon motion of each officer by an order entered upon the order book of the circuit court and county court and signed by the judges or a majority thereto of those courts. In all other counties with a population of 75,000 or more, the number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be fixed at reasonable amounts upon motion of each officer by the fiscal court by an order entered upon the fiscal court book no later than January 15 of each year. A certified copy of the orders, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the executive department for finance and administration.

64.346 COUNTY CONTRIBUTION TOWARD OFFICE EXPENSES OF CLERKS, SHERIFFS AND JAILERS IN COUNTIES HAVING POPULATION OF 75,000 OR MORE:

The fiscal court in counties containing a population of 75,000 or over may authorize and pay out of the general fund of the court for any expenditures which, in its discretion, is deemed necessary for the efficient operation of the offices of the county and circuit court clerk, sheriff, and jailer.

64.350 RETURN OF FEES TO COUNTIES WHOSE OFFICERS PAY FEES INTO STATE TREASURY:

1. In counties having a population of seventy-five thousand (75,000) or more, the salaries of the clerks of the respective courts thereof, of sheriffs and jailers and of their deputies and all necessary office expenses, including the equipping, furnishing, maintaining, and operation of the offices, shall be paid out of the state treasury in amounts not to exceed seventy-five per cent (75%) of the fees collected by the officers, respectively, and received into the treasury; and twenty-five per cent (25%) of the fees collected by the officers, respectively, and received into the state treasury shall be paid in the manner provided by law for the payment of other claims against the state to the fiscal courts or urban county government of the respective counties. The amount of twenty-five per cent (25%) of the fees collected by the officers, respectively during each calendar year shall be paid to the fiscal courts or urban-county government of the respective counties by April 1 of each year succeeding the calendar year during which the fees were received by the executive department for finance and administration. After payment of the salaries and expenses specified in this subsection, any remaining balance of the seventy-five per cent (75%) of the fees collected by the officers, respectively, at the end of their official term shall be paid by the state treasurer to the fiscal courts or urban-county government of the respective counties, subject to the provisions of subsection (2) of this section.

2. Notwithstanding the provisions of subsection (1), all sums received into the state treasury and representing seventy-five per cent (75%) of the fees collected by the sheriffs and jailers specified in subsection (1) from any county in which a metropolitan correctional services department has been established shall be expended fr[illegible] the state treasury for the payment of the salaries and c[illegible] specified in subsection (1), and in section 106 of the constitution of Kentucky. After payment of the salaries and costs specified in this subsection, the remaining balance representing fees collected by sheriffs and jailers shall be paid by the state treasury to the fiscal court of the county in which a metropolitan correctional services department has been established by April 1 of each year succeeding the calendar year in which the fees were received by the executive department for finance and administration.

64.355 FEES, IN COUNTIES OF 75,000 OR MORE, PROPERTY OF RESPECTIVE COUNTY:

It is hereby declared to be the intent of the general assembly that all fees of the office of circuit clerk, county clerk, sheriff and jailer in counties having a population of 75,000 or more that are paid into the state treasury pursuant to the provisions of section 106 of the constitution of Kentucky are the property of the respective county and shall be computed as part of the county's total tax effort for the purpose of determining credit for any federally funded program.

64.527 ANNUAL COMPUTATION OF CONSUMER PRICE INDEX FOR DETERMINATION OF RATE OF ADJUSTMENT OF COMPENSATION OF ELECTED COUNTY OFFICIALS:

In order to equate the compensation of commonwealth's attorneys, county judges, county attorneys, county clerks, circuit clerks, sheriffs and jailers with the purchasing power of the dollar, the department of commerce shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with section 246 of the constitution of Kentucky which provides that the above elected officials shall be paid at a rate no greater than $7,200 per annum. The department of commerce shall notify the appropriate governing bodies charged by law to fix the compensation of the above elected officials of the annual rate of compensation to which the elected officials are entitled pursuant to the increase or decrease in the consumer price index. Upon notification from the department of commerce, the appropriate governing body may set the annual compensation of the above elected officials at a rate no greater than that stipulated by the department of commerce.

64.528 COMPENSATION OF SPECIFIED ADJUSTED TO CURRENT PURCHASING POWER OF THE DOLLAR:

In order to equate the current rate of compensation of commonwealth's attorneys, circuit court clerks, county court clerks, county judges, county attorneys, sheriffs, jailers, justices of peace, magistrates and commissioners with the present value and purchasing power of the dollar, the court required by law to fix the compensation of the officials named in this section may, on or before September 1, 1974, adjust said officials' compensation within the limits set forth in Acts 1974, chapter 254 and may provide that said officials be entitled to the maximum amount of compensation for the entire 1974 calendar year.

64.530 COMPENSATION OF COUNTY OFFICERS AND EMPLOYES, AND MEMBERS OF FISCAL COURT:

(1) Except as provided in subsections (6) and (7) of this section, the fiscal court of each county shall fix the compensation of every county officer and employee except the officers named in KRS 64.535.

(2) The county attorney of each county shall receive a reasonable annual salary to be fixed by the fiscal court. In addition to such salary, the county attorney shall also be entitled to the statutory fees of his office, but his annual salary as fixed by the fiscal court plus the fees of his office shall not exceed fourteen thousand three hundred dollars ($14,300).

(3) For the purposes of this section, master commissioners and receivers in counties other than those containing a population of seventy-five thousand (75,000) or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employees, but employees of county board or commissions which are now authorized by law to fix the compensation of their employees shall not be deemed to be county employees for the purposes of this section.

(4) In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that any officer except the officers named in KRS 64.535 may receive, from both sources. The fiscal court may also fix the number of deputies and assistants, and, except as provided in subsection (8), the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office.

(5) In the case of county officers elected by popular vote, the monthly compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which the officers are elected, and the compensation of the officer shall not be changed during the term but the compensation of his deputies or assistants may be reviewed and adjusted by the fiscal court not later than the first Monday in May of any successive year upon the written request of the officer. On or before August 1, 1966, the fiscal court shall fix the salary provided herein for the county attorneys for the term commencing in January, 1966, notwithstanding any other provisions of this section which may be inconsistent herewith.

(6) Nothing in this section shall apply to property valuation administrators or their deputies, assistants and expenses, in any county, or to the circuit court clerk, county court clerk, sheriff, jailer, master commissioner or receiver, and their deputies, assistants and expenses, in counties having a population of seventy-five thousand (75,000) or more.

64.535 ANNUAL SALARIES OF CERTAIN COUNTY OFFICERS:

The county court clerk, circuit clerk, county judge, sheriff, county attorney, and jailer of each county shall receive a maximum monthly salary of one twelfth (1/12) of $14,300, to be paid solely out of the statutory fees and salaries received by him during the calendar year.

Chapter 67

COUNTY BUILDINGS

67.080 POWERS OF FISCAL COURT:

The fiscal court may:

1. Appropriate county funds authorized by law to be appropriated.

2. Erect and keep in repair necessary public buildings.

3. Secure a sufficient jail and a comfortable and convenient place for holding court at the county seat.

4. Regulate and control the fiscal affairs and property of the county.

5. Make provision for the maintenance of the poor, provide a poorhouse and poor farm, appropriate county funds for the benefit of infirmaries for the sick located in the county, provide for the care, treatment and maintenance of the sick and poor and provide a hospital for that purpose, or contract with any hospital in the county to do so.

67.130 COUNTY BUILDINGS, JAILER TO BE SUPERINTENDENT OF IN CERTAIN COUNTIES:

The jailer of each county having a population of less than seventy-five thousand (75,000) and not having a city of the second class or a circuit court of continuous session shall be superintendent of the public square and of all county buildings at the county seat. The fiscal court of each of said counties shall annually appropriate a sum sufficient to purchase the labor and materials necessary to heat and light such property, including the jailer's residence if owned by the county, and to keep it in repair and in clean, comfortable and presentable condition. The sum so appropriated shall be expended by the jailer. The jailer shall bring civil action in the name of the county to recover possession of or for injury to or intrusion or trespass upon any such county property, and the net proceeds of any such recovery shall be paid into the county treasury.

67.140 COURTHOUSE AND GROUNDS, CARE AND CUSTODY OF IN CERTAIN COUNTIES HAVING CITIES OF SECOND CLASS:

In counties containing a city of the second class wherein all terms of the circuit court are held at the county seat, the fiscal court shall have the care and custody of the courthouse at the county seat, the courtrooms and offices therein, and the public grounds adjacent thereto, and shall have authority and jurisdiction to levy and collect property taxes necessary for the purpose of keeping and maintaining the courthouse and ground in proper condition and repair, to prevent injury thereto, to keep them in a proper state of cleanliness and sanitation, to provide heat and lights for them, and to provide sufficient water for the courts and offices therein.

67.150 JAILER RELIEVED OF DUTIES AS TO COURTS IN CERTAIN COUNTIES HAVING CITIES OF SECOND CLASS:

In counties containing a city of the second class, wherein all terms of the circuit courts are held at the county seat, the jailer is not required to attend to the county or quarterly court or to furnish fuel or lights for either of those courts, or to furnish fuel, light or water to the circuit court, and he shall not be allowed any fee for such services.

67.170 PERSONAL PROPERTY BELONGING TO COURTHOUSE AND JAIL, JAILER TO HAVE CUSTODY OF:

The jailer of each county shall take charge of and carefully preserve all furniture, bedding and similar property belonging to the courthouse and jail. The jailer shall be liable to the county upon his official bond for the value of any such property lost or destroyed by reason of his negligence or fault, and the county may enforce this liability by notice and motion in the county court.

Chapter 71

JAILERS

71.010 BOND AND OATH:

The jailer shall take the oath prescribed by the constitution and execute bond to the commonwealth in the county court of the county in which he is elected, with sureties, approved by the court. The bond shall be attested by the clerk and entered of record in his office. No coroner, sheriff, sheriff's deputy, county or circuit judge, county or circuit clerk, or attorney shall be surety for the jailer on his official bond.

71.020 CUSTODY OF JAIL:

Each jailer shall have the custody, rule and charge of the jail in his county and of all persons in the jail and shall keep the same himself or by his deputy or deputies. He or one of his deputies shall reside not more than four hundred yards from the jail and where it is such as admits the residence of the same therein he or one of his deputies shall reside in the jail.

71.030 JAILER TO KEEP JAIL CLEAN AND WARM:

The jailer shall keep the jail comfortably warm, and clean and free from nauseous odors, and shall provide prisoners confined in the jail with a sufficiency of bedclothing to make them comfortable. The bedclothing shall be paid for out of the county levy.

71.040 TREATMENT OF PRISONERS, DISPOSTION OF DECEASED PRISONERS:

The jailer shall receive and keep in the jail all persons who are lawfully committed thereto, until they are lawfully discharged. He shall treat them humanely and furnish them with proper food and lodging during their confinement. He shall deliver those who die in jail to their friends, if requested, or have them decently buried at the expense of the county.

71.050 OFFICER OF COURT:

The Jailer is an officer of the circuit and county courts of his county.

71.060 DEPUTY JAILERS AND MATRON: APPOINTMENT OF:

1. Subject to the provisions of KRS 64.345, any jailer may appoint not more than two deputies, and, with the approval of the county court, may appoint additional deputies. The jailer shall be liable on his official bond for the conduct of his deputies. The deputies shall have all the powers and be subject to the same penalties as the jailer. They may be removed at any time by the jailer.

2. Subject to the provisions of KRS 441.230, any jailer may appoint a respectable woman to care for and have supervision over the female prisoners in the jail, subject to the orders of the jailer. The woman so appointed shall be called jail matron and shall receive a salary to be paid in the same manner as deputy county jailers.

71.090 SHERIFF TO ACT AS JAILER:

Except as provided in KRS 63.150, if the jailer is legally committed to jail, or if for any cause the office of jailer becomes vacant, the sheriff of the county shall perform all the duties of jailer until a successor to the jailer is elected or appointed and qualified. If the sheriff cannot or should not act the county judge may so certify, and shall, in writing, designate a responsible person to act for the occasion.

71.100 JAILER'S DUTIES ON GOING OUT OF OFFICE:

When any jailer goes out of office, he shall deliver to his successor the custody of the jail, its keys, furniture and appurtenances, and the persons confined therein, with all official papers by which they were liberated therefrom.

71.110 OFFICE OF JAILER CONSOLIDATED WITH THAT OF SHERIFF IN COUNTY CONTAINING FIRST-CLASS CITY:

The offices of sheriff and jailer in counties containing a city of the first class shall be consolidated, but the office of sheriff shall be retained; and the sheriff hereafter in such counties shall perform the duties of jailer.

71.990 PENALTIES:

A violation of KRS 71.020 shall constitute a misfeasance in office and the county court may fine the jailer or he may be indicted therefor.

Chapter 72

CORONERS, INQUESTS AND MEDICAL EXAMINATIONS

72.020 DUTY OF PERSON FINDING OR POSSESSING DEAD BODY; CORONER TO KEEP ARTICLES WHICH MAY BE EVIDENCE:

1. Any person finding or having in his possession the body of any person slain, drowned or otherwise suddenly killed, or whose death occurred from unnatural cause without the attendance of a physician, shall immediately notify the coroner, and shall not remove the body nor anything therefrom until directed to do so by the coroner or other authorized person.

(Subsections (2) and (3) of KRS 72.020 is about the duties of the Coroner and the court in cases covered by subsection (1) as given above.)

Chapter 84

CITIES OF THE SECOND CLASS

84.150 GENERAL POWERS OF COUNCIL:

1. The general council may pass, modify, amend or repeal all ordinances necessary and proper for carrying into effect the powers granted by this chapter. It may, by ordinance: (d) Establish, erect and maintain a city prison, a workhouse, a house of correction, a house of refuge, and similar municipal buildings, and make all needful regulations and appoint all proper persons and assistants therefor.

Chapter 85

CITIES OF THE THIRD CLASS

85.140 PUBLIC BUILDINGS; PUBLIC WAYS AND SEWERS; PROMOTION AND REGULATION OF NAVIGATION:

The common council may, by ordinance: (1) Establish and erect hospitals, almshouses, city prisons, workhouses, and other buildings for the use of the city, make regulations for their government, and acquire and hold land for those purposes, either within or beyond the city limits.

Chapter 86

CITIES OF THE FOURTH CLASS

86.110 GENERAL POWERS OF CITY COUNCIL:

The city council may, within the city: Provide for the purchase of all personal property necessary for city purposes; Erect a workhouse, poorhouse, station house, and house of correction, and provide for their maintenance and regulation, and for the maintenance and government of the inmates.

Chapter 95

CITY POLICE AND FIRE DEPARTMENTS

CITIES OF THE FOURTH AND FIFTH CLASSES

95.730 DUTIES OF CHIEF OF POLICE:

(5) In cities of the Fifth class the Chief of Police shall have supervision of the city jail and the chain gang.

95.787 ARRESTED PERSONS, WHERE KEPT IN CITIES OF FOURTH OR FIFTH CLASS:

Persons arrested for any bailable offense, in cities of the fourth and fifth class, may be placed in the station house, county jail or city jail for safekeeping, until taken before the police court for examination.

Chapter 202

HOSPITALIZATION OF MENTAL PATIENTS

202.027 EMERGENCY DETENTION FOR DANGEROUS MENTAL PATIENTS; DISCHARGE AFTER SEVEN DAYS UNLESS ORDER MADE

(1) Any peace officer who has reasonable grounds to believe that an individual is mentally ill and probably will cause injury to himself or others if not immediately restrained may detain that person with or without a warrant. The peace officer shall, as soon as practical, take the person before a physician for an examination. If the physician then certifies in writing that the individual in his opinion (a) probably will cause injury to himself or others if not restrained, and (b) lacks insight or capacity to apply for his own hospitalization, and if facilities are available and an authorized staff physician agrees, the person may be lodged in a hospital rather than jail pending a hearing as provided in subsection (3) of this section. The peace officer so detaining shall comply with the Rules of Criminal Procedure insofar as they are not in conflict with KRS Chapters 202,203, or 210.

(2) Persons suspected of being mentally ill but who have not been detained under the provisions of subsection (1) of this section may be proceeded against upon the filing of a complaint before any judge of a circuit, county, or police court where the person signing the complaint states under oath that the person to be restrained is in their opinion mentally ill and probably will cause injury to himself or others and shall furnish to the judge facts upon which the complainant relied in reaching the conclusion in accordance with the Rules of Criminal Procedure. If, from the complaint it appears to the judge there is probable cause to believe the person named is mentally ill and probably will cause injury to himself or others he shall issue a warrant of arrest for the person named.

(3) Where a person has been detained by a peace officer or pursuant to warrant he shall be taken before a judge of a circuit, county, or police court without unnecessary delay as provided in R Cr 3.02. However, if the court is in possession of evidence that such a procedure would be harmful to the defendant, the presence of the defendant at the hearing may be waived. If after the hearing, the court is of the opinion that the defendant should be restrained it may order him to be hospitalized in a state hospital or, other hospital agreeing to admit, for a period not to exceed seven consecutive days. Where the defendant is not present at the hearing the court shall in its order refer to the medical evidence relied upon to waive the presence of the defendant.

(4) If it is the opinion of an authorized staff physician of the hospital after examination that no emergency exists or that space is not available, the hospital may refuse to admit. If the patient is not admitted, the authorized representative of the hospital shall notify the court at once in writing of the decision and include with the notification a summary of the examination.

(5) Hospitalization under the emergency provision shall before a period of time not to exceed seven consecutive days from the date of the emergency order. Bail will not be set but release shall be by writ of habeas corpus.

(6) If at the end of seven consecutive days a formal application has not been made for an indeterminate hospitalization or sixty-day observation order, then the patient shall be discharged and the court issuing the hospitalization order notified of the date of release.

Chapter 208

JUVENILE COURTS, COMMITMENT AND CARE OF CHILDREN

208.120 CHILD NOT TO BE DETAINED IN POLICE STATION, LOCKUP, JAIL OR PRISON; EXCEPTION:

No child under sixteen shall at any time be detained in any police station, lockup, jail or prison, except that, on the basis of a hearing for that purpose, by the juvenile court judge, a child whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facility for children, may be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adult prisoners.

208.130 DETENTION FACILITIES; AGREEMENTS FOR USE OF STATE RECEPTION-DIAGNOSTIC CENTERS:

1. The fiscal court of each county shall provide for a suitable facility or facilities for the detention of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

2. In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.

3. In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

4. The department may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. The detention facilities may be subject to the supervision of the department and shall conform to rules and regulations prescribed by the department.

5. Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained and each child detained in such facility shall be deemed to be under the jurisdiction of the court.

6. The fiscal court of any county may arrange with the department for the use of its regional reception-diagnostic centers for those cases pending before the juvenile court of its county. The fiscal court is authorized to make such payments as agreed upon with the department for the use of the services and facilities. The use of the department's regional reception-diagnostic centers by the individual juvenile courts shall not give such juvenile courts jurisdiction over the department's regional reception-diagnostic centers.

(Department mentioned in subsections (4) and (6) means Department For Human Resources).

208.180 DISPOSITION OF CHILD CONVICTED OF FELONY; OR MISDEMEANOR:

(2) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection (2) of KRS 208.170 is convicted of a misdemeanor, and sentenced to imprisonment he shall be committed to the county jail, except that in the case of a child who is under eighteen years of age at the time of sentencing, the court in its discretion may commit the child to the department, for an indeterminate period not to exceed the age of twenty-one years. (Dept. means Department For Human Resources).

208.260 GIRLS TO BE ACCOMPANIED BY WOMAN ATTENDANT OR RELATIVE; REPORT OF VIOLATIONS:

(1) No female child shall be transported to any institution, pursuant to order of any court or direction of the department, unless accompanied by a female attendant, or, when authorized in writing by the court or department, by a parent, grandparent, or adult brother or sister, Any such relative shall not be reimbursed out of public funds for travel or other expenses incurred in so accompanying the child.

(2) The agent of any institution who receives a female transported to the institution shall report any violation of subsection (1) of this section to the Commonwealth's attorney of the judicial district in which the institution is located.

(Department mentioned in subsection (1) means Department For Human Resources).

208.270 COMMITMENT ORDER AND INFORMATION TO BE FURNISHED DEPARTMENT:

Whenever any court commits a child to the department or whenever a juvenile court commits a child to any institution or agency, the court shall cause to be transmitted to the department, institution or agency a certified copy of the commitment order, together with a summary of the court's information concerning the child. The child shall be held by virtue of the order, and the certified copy of the order shall be proof of the authority of the department, institution, or agency in behalf of the child. (Department means Department For Human Resouces).

Chapter 211

STATE HEALTH PROGRAMS

CONFINEMENT FACILITIES HEALTH ACT

211.920 DEFINITIONS:

As used in KRS 211.925 to 211.945, unless the context otherwise requires:

1. "Department" shall mean the Department For Human Resources.
2. "State Confinement Facility" shall mean a penal or correctional facility or juvenile detention or treatment facility operated by or under the supervision of the Commonwealth of Kentucky.
3. "Local Confinement Facility" shall mean a penal or correctional facility or juvenile detention or treatment facility operated by or under the supervision of any county, city, or metropolitan government or any other subdivision of the Commonwealth of Kentucky.
4. "Public Health and Health" shall mean and include, but shall not be limited to, all environmental, dental, mental, medical, and nutritional aspects of the health of persons confined in a state or local confinement facility.

211.925 POWERS AND DUTIES OF DEPARTMENT:

In addition to all other powers and duties vested in it by law, the department shall have the authority, power, and duty to:

(1) Adopt, modify and repeal rules, regulations, and standards relating to the public health or health aspects of the operation of state and local confinement facilities, and exercise general supervision over the administration of KRS 211.920 to 211.945 and assist in the enforcement of all rules, regulations, and standards promulgated pursuant to it;

(2) Collect, evaluate, and disseminate information from state and local confinement facilities as it relates to the public health of the people of the commonwealth.

(3) Develop comprehensive plans for the elimination of conditions in state and local confinement facilities which adversely affect the public health or the health of those persons confined or likely to be confined in any state or local confinement facility;

(4) Enter upon the premises and inspect any state or local confinement facility for the purpose of determining the extent of compliance with KRS 211.920 to 211.945 and investigating the effect of the operation of state and local confinement facilities upon the public health or the health of those persons confined or likely to be confined in any state or local confinement facility;

(5) Advise, consult, and cooperate with other agencies of the commonwealth, including the Bureau of Corrections and office of local government, other jurisdictions, the federal government, interstate and interlocal agencies, and local governments regarding the effects of the operation of confinement facilities upon the public health.

(6) Accept, receive, and administer grants or other funds or gifts from public and private agencies for the purpose of implementing KRS 211.920 to 211.945.

211.930 PROHIBITION:

Six (6) months after June 21, 1974, no person responsible for the supervision or maintenance of a state or local confinement facility shall knowingly cause or permit such facility to be operated in violation of rules, regulations, or standards promulgated by the department pursuant to KRS 211.945.

211.935 INSPECTION OF FACILITIES-ADVISING DEPARTMENTS AND LOCAL GOVERNMENTS OF SUBSTANDARD FACILITIES:

If, upon the inspection of either a state or local confinement facility, the department finds that conditions exist which endanger the health of those confined or likely to be confined in the facility, or the public health of the citizens of the commonweatlh of Kentucky, the department shall advise the supervising and maintaining authoritites, and those persons confined in the facility, that the facility does not meet the rules, regulations, or standards duly established by the department pursuant to KRS 211.920 to 211.945.

211.940 TRANSFER OF INMATES TO FACILITIES WHICH MEET RULES, REGULATIONS, AND STANDARDS-PROCEDURE-COSTS:

Those persons confined in a facility which does not meet the rules, regulations, or standards duly established by the department may seek a transfer to a facility which meets the rules, regulations, or standards duly established by the department pursuant to KRS 211.920 to 211.945. This shall be done through appropriate legal action brought in the court having jurisdiction over the confined person and upon a showing by the confined person that the facility does not meet the rules, regulations or standards duly established by the department, the court shall enter an order of transfer to a facility which does meet the rules, regulations, or standards duly established by the department pursuant to KRS 211.920 to KRS 211.945. The governmental unit having jurisdiction over the confined person shall pay the cost of the transfer and shall pay the supervising and maintaining authorities, at the approved facility to which the person is transferred, all lawful charges related to the daily maintenance and supervision of the confined person.

211.945 ADMINISTRATION OF EXISTING LAWS:

All laws of the commonwealth and its subdivisions that relate to the supervision and maintenance of state or local confinement facilities shall be administered in a manner consistent with the provisions of KRS 211.925 to 211.940 and the rules, regulations, and standards promulgated pursuant to it

Chapter 431

CRIMES AND PUNISHMENTS

431.005 ARREST BY PEACE OFFICERS-BY PRIVATE PERSONS:

(1) A peace officer may make an arrest in obedience to a warrant, or without a warrant when a felony or misdemeanor is committed in his presence or when he has reasonable grounds to believe that the person being arrested has committed a felony.

(2) A private person may make an arrest when a felony has been committed in fact and he has reasonable grounds to believe that the person being arrested has committed it.

431.130 CONFINEMENT IN PENITENTIARY, COUNTY JAIL OR WORKHOUSE: NATURE:

Prisoners sentenced to punishment by confinement in the penitentiary shall be kept at hard labor. If the punishment is imprisonment in the jail of the county, the imprisonment shall be close confinement in the jail of the county where the trial was held, unless otherwise provided. In any jurisdiction where there is a county workhouse the court may in its discretion confine the prisoner to the county workhouse instead of the county jail.

431.140 HARD LABOR; DISCRETION OF JURY TO REQUIRE; JUDGMENT:

When the punishment for a crime is imprisonment in the county jail, the jury may, in its discretion, in those cases in which it is authorized to fix the punishment, provide in its verdict that the defendant shall work at hard labor during the time of his sentence of imprisonment, and the presiding judge at such a trial shall inform the jury by an instruction that it may so provide in its verdict. When such a verdict is returned, or when the case is tried by the court or the punishment is authorized to be fixed by the court, a judgment shall be rendered directing that the defendant shall work at hard labor during the time of his sentence of imprisonment, as the verdict provides.

Chapter 432

OFFENSES AGAINST THE STATE AND PUBLIC JUSTICE

432.460 OFFICER NEGLIGENTLY PERMITTING ESCAPE; WILLFULLY REFUSING TO RECEIVE PRISONER:

Any jailer, officer or guard who negligently permits a person convicted of or charged with a public offense to escape, or willfully refuses to receive any person lawfully ordered into his custody, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than one nor more than six months, or both.

432.470 OFFICER VOLUNTARILY PERMITTING ESCAPE OF FELON:

A jailer, officer or guard who voluntarily permits a prisoner in his charge or custody, convicted of or charged with a felony, to escape shall be confined in the penitentiary for not less than one nor more than five years.

432.510 PROTECTION OF PRISONERS; POWER OF OFFICER TO SUMMON CITIZENS, ARM PRISONERS:

(1) Any person having custody of a person charged with a public offense shall summon to his aid as many of the able-bodied male citizens of his county between the ages of twenty-one and fifty years as may be necessary for the protection of the person in his custody.

Any person so summoned who fails to obey the summons or verbal notice of the officer shall be fined not less than one hundred dollars nor more than five hundred dollars.

(2) Any officer having knowledge or reasonable grounds to believe that an effort will be made to rescue, injure or kill any person in his custody charged with a public offense shall immediately provide the means necessary to prevent such an act.

(3) Any officer in charge of a jail who has reasonable grounds to believe that the jail will be attacked by a mob or persons confederated or banded together to inflict violence upon any inmate, may arm the threatened inmates for their own protection.

Chapter 439

PROBATION AND PAROLE

439.177 PAROLE PRIVILEGES FOR CERTAIN MISDEMEANANTS; DUTIES OF POLICE JUDGE:

(1) Any misdemeanant, sentenced for a period of thirty days or more, may if sentenced by the police court of a city of the first, second or third class, petition the judge of the sentencing court for parole privileges. Any misdemeanant, sentenced by the police court of a city of the fourth, fifth, or sixth class or by any court other than in a city of the first three classes, may petition the county judge of the county in which he is held, for parole privileges.

(2) The county or police court judge shall study the record of all persons petitioning for parole and, in his discretion, may: (a) Cause additional background or character information to be collected or reduced to writing by the Department of Corrections; (b) Conduct hearings on the desirablility of granting parole; (c) Impose on the parolee such conditions as he sees fit; (d) Order the granting of parole; (e) Issue warrants for persons when there is reason to believe they have violated the conditions of their parole and conduct hearings on such matters; (f) Determine the period of supervision for parolees, which period may be subject to extension or reduction; (g) Grant final discharge to parolees.

(3) The county or police court judge shall keep a record of his acts, and shall notify the appropriate jail official of his decision relating to the persons who are or have been confined therein.

(4) Whenever an order for parole is issued it shall recite the conditions thereof, and such orders shall be transmitted to the Department of Corrections.

(5) The period of time spent on parole shall not count as a part of the prisoner's maximum sentence except in determining the parolee's eligibility for a final discharge from parole as set out in subsection (7).

(6) Paroled prisoners shall be under the supervision of the Department and subject to its decision for the duration of parole. Supervision of the parolee by the department shall cease at the time of recommitment of the prisoner to the jail as a parole violator, or at the time a final discharge from parole is granted by the county or police court judge.

(7) When any paroled prisoner has performed the obligations of his parole during his period of active parole supervision the county or police court judge may at the termination of such period to be determined by the county or police court judge, issue a final discharge from parole to the prisoner. Unless ordered earlier by the county or police court judge, a final discharge shall be issued when the prisoner has been out of jail on parole a sufficient period of time to have been eligible for discharge from jail by maximum expiration of sentence had he not been paroled, provided before this date he had not absconded from parole supervision or that a warrant for parole violation had not been issued.

(8) The prisoner convicted of a misdemeanor and released on parole under the provisions of this statute shall be subject to all reasonable departmental rules and regulations.

439.179 RELEASE OF MISDEMEANANTS; PURPOSES FOR WHICH PERMITTED; EARNINGS OF PRISONER, RECORDS, AND DISPOSITION; AUTHORITY OF COUNTY JUDGE, JAILER:

(1) Any person sentenced to a jail for a misdemeanor, nonpayment of a fine or forfeiture, or contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes: (a) seeking employment; or (b) Working at his employment; or (c) Conducting his own business or other self-employment occupation including, in the case of a woman, housekeeping and attending the needs of her family; or (d) Attendance at an educational institution; or (e) Medical treatment.

(2) Unless such privilege is expressly granted by the court, the prisoner is sentenced to ordinary confinement. The prisoner may petition the court for such privilege at the time of sentence or thereafter, and, in the discretion of the court, may renew his petition. The court may withdraw the privilege at any time by order entered with or without notice.

(3) The jailer shall notify the Department For Human Resources, which shall endeavor to secure employment for unemployed prisoners under this section. If a prisoner is employed for wages or salary, they shall, by wage assignment, be turned over to the fiscal court which shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages or salary are not subject to garnishment of either the employer or the fiscal court during the prisoner's term, and shall be disbursed only as provided in this section; but for tax purposes they are the income of the prisoner.

(4) Every prisoner gainfully employed is liable for the cost of his board in the jail, at the amount established by law. If he defaults his privilege under this section is automatically forfeited. In those cases where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the board will be paid by the fiscal court to the city treasury. In those cases where the prisoner is confined for contempt, board shall be paid by the fiscal court to the state treasury. In all other cases the fiscal court shall receive the wages earned and disburse the funds as provided in subsection (5). The fiscal court may, by ordinance provide that the county furnish or pay for the transportation of prisoners employed under this section to and from the place of employment.

(5) Unless otherwise ordered by the sentencing court or the county judge, the wages or salaries of employed prisoners shall be disbursed by the fiscal court on a monthly basis for the following purposes and in the order stated: (a) The board of the prisoner; (b) Support of the prisoner's dependents, if any; (c) Payment, either in full or ratably, of the prisoner's obligations acknowledged by him in writing or which have been reduced to judgment; (d) The balance, if any, to the prisoner upon his discharge.

(6) If the prisoner was convicted in a justice or a police court, the county judge shall have authority and jurisdiction to make all determinations and orders under this section as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(7) The fiscal court may direct that its functions under subsections (3) or (5) or both be performed by any bonded county official. Such order shall remain in force until rescinded by the fiscal court.

(8) The Department of Corrections shall, at the request of the county judge, investigate and report on the amount necessary for the support of the prisoner's dependents.

(9) The jailer may refuse to permit the prisoner to exercise his privilege to leave the jail as provided in subsection (1) for any breach of discipline or other violation of jail regulations for a period not to exceed five days.

(10) Nothing in this statute shall be construed to affect KRS 64.150 which provides for the payment of fees to the jailer. In the section "jail" refers to all misdemeanant institutions, and "jailer" to the superintendent thereof, but, in counties of the first class, "jailer" designates the sheriff who serves as superintendent of the jail.

439.265 PERIOD WITHIN WHICH COURT MAY UPON MOTION SUSPEND SENTENCE AND PLACE DEFENDANT ON PROBATION; DEFENDANT'S RIGHT TO HEARING ON MOTION; EXERCISE OF AUTHORITY:

(1) Subject to the provisions of KRS Chapter 439, any county or circuit court may, upon motion of the defendant made not earlier than thirty days nor later than sixty days after the defendant has been delivered to the keeper of the institution to which he has been sentenced, suspend the further execution of the sentence and place the defendant on probation upon such terms as the court determines. The court which tried the defendant may also suspend the sentence and place the defendant on probation upon its own motion, made within the same thirty-day period.

(2) The court shall consider any motion filed in accordance with subsection (1) of this section within sixty days of the filing date of that motion, and shall enter its ruling within ten days after considering the motion. The defendant may, in the discretion of the trial court, have the right to a hearing on any motion he may file, or have filed for him, that would suspend further execution of sentence. Any court order granting or denying a motion to suspend further execution of sentence is not reviewable.

(3) The authority granted in this section shall be exercised by the judge who imposed sentence on the defendant, unless he is unable to act and it appears that his inability to act should continue beyond the expiration of the term of the court. In such case, the judge who imposed sentence shall assign a judge to dispose of a motion filed under this section, or as prescribed by the rules and practices concerning the responsibility for disposition of criminal matters.

439.430 PAROLE, PROBATION OR CONDITIONAL RELEASE OFFICER MAY ARREST PAROLEE OR CONDITIONAL RELEASEE, WHEN; DETENTION OF PAROLEE OR CONDITIONAL REALEASEE; REPORT TO DIRECTOR; RETURN OF PRISONER TO PRISON; PRISONER FOR WHOSE RETURN A WARRANT HAS BEEN ISSUED TO BE DEEMED A FUGITIVE FROM JUSTICE; EFFECT OF VIOLATION OF CONDITIONS OF RELEASE:

(1) Any parole, probation or conditional release officer having reason to believe that a parolee or conditional releasee has violated the terms of his release may arrest such person without a warrant or may deputize any other peace officer to do so by giving him a written statement setting forth that the parolee or conditional releasee, in the judgment of the probation, parole or conditional release officer, has violated the conditions of his release. Such written statement delivered with the parolee or conditional releasee by the arresting officer to the official in charge of the station house, jail, workhouse or other place of detention, shall be sufficient warrant for the detention of the parolee or conditional releasee.

439.550 PROBATION BY INFERIOR COURT; SUPERVISION BY BUREAU OF CORRECTIONS OR OTHER:

If any court inferior to the circuit court places a person on probation following a conviction of crime, either upon verdict or plea, the court may direct that such defendant be under the supervision of the Bureau of Corrections or provide its own supervision through the welfare department of the city or the Fiscal Court of the county.

439.610 CONDUCT CONSTITUTING ESCAPE FROM CUSTODY:

The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility to which he was committed or transferred to after commitment, constitutes an escape from custody punishable as provided in KRS 520.030.

Chapter 440

ESCAPES, FUGITIVES FROM JUSTICE AND EXTRADITION

440.040 LIABILITY OF OFFICER FOR PERMITTING ESCAPE OF PRISONER IN CUSTODY:

Any officer and his sureties shall be liable, in an action upon his official bond, for the use of the parties aggrieved, in any damage resulting from his voluntarily or negligently permitting the escape of a prisoner in custody. No judgment in such action shall be given unless the jury, by its verdict finds "that the escape was with the consent of the officer, or by his negligence, or that the prisoner might have been retaken if the officer had, in good faith, made proper efforts to do so."

440.050 LIABILITY FOR AIDING ESCAPE OF PRISONER:

Any person who aids a prisoner to escape, or knowingly conceals him after he escapes, or in any way hinders or prevents his capture shall be liable to the party aggrieved for any damages sustained.

440.260 CONFINEMENT OF PRISONER EN ROUTE; DUTY OF JAILER; EVIDENCE OF EXTRADITION:

(1) The officer or person executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

(2) The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; provided, however, that such officer or agent shall produce and show the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoners shall not be entitled to demand a new requisition while in this state.

440.270 PERSON CHARGED WITH CRIME IN OTHER STATE MAY BE ARRESTED IN THIS STATE; PROCEDURE:

Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under KRS 440.210, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under KRS 440.210, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the circuit judge, the judge of the county court or the police judge of a city in the county in which he was arrested who may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

440.280 ARREST MAY BE MADE WITHOUT WARRANT; CONDITIONS; PROCEDURES:

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

440.290 COMMITMENT IN JAIL PENDING GOVERNOR'S WARRANT ISSUED ON REQUISITION:

If from the examination before the judge it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under KRS 440.210, that he has fled from justice, the judge must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in KRS 440.300, or until he shall be legally discharged.

440.300 BAIL PERMITTED; CONDITIONS:

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor of this state.

440.310 FAILURE TO ARREST UNDER WARRANT OF GOVERNOR; DISCHARGE; RECOMMITMENT:

If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, the judge may discharge him or may recommit him for a further period not to exceed sixty days, or may again take bail for his appearance and surrender, as provided in KRS 440.300, but within a period not to exceed sixty days after the date of such new bond.

440.320 FORFEITURE OF BOND:

If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

Chapter 441

JAILS, WORKHOUSES AND COUNTY PRISONERS

COUNTY JAILS

441.010 RULES FOR COUNTY JAILS; INSPECTION:

The county court shall prescribe rules for the government and cleanliness of the county jail and the comfort and treatment of prisoners. The county court may, by fine, enforce the rules, and punish the jailer for disobedience thereof or for neglect of his official duties. The county judge shall inspect the jail at least once each month.

441.020 UNITED STATES AND CITIES MAY USE COUNTY JAILS:

The United States may use the jail of any county, and any city may use the jail of the county in which the city is located, by paying the jailer the fees allowed by KRS 64.150 for the type of services rendered. Any jailer shall receive and confine in jail, until lawfully discharged, persons committed under the laws of the United States or for a violation of the ordinances of any city within the county.

441.030 TRANSFER OF PRISONERS TO SECURE JAIL; CIRCUIT JUDGE MAY ORDER:

If in any county there is no jail, or the jail is insecure, or there is danger or probable danger that any or all of the persons confined in the jail under any order or process of the circuit court, or held to answer any charge in the circuit court, will be rescued from the jail by violence, the circuit judge shall, by an order made of record if the court is in session, or by written order filed with the clerk of the court if the court is not in session, direct that any or all of such persons be transferred to the jail of the nearest county in which the jail is secure and they can be safely kept. When any such order is made, and a copy thereof is furnished to the jailer of the county designated, he shall receive all such prisoners. If the circuit judge is not in the county, the order of transfer may be made by the county judge, who shall deliver the order, or a copy thereof, to the circuit clerk for revision by the circuit court.

441.040 MANNER OF TRANSFER; COMPENSATION OF OFFICERS:

Immediately upon the receipt of a copy of an order made pursuant to KRS 441.030, the sheriff, or if there is no sheriff, the coroner, shall transfer the prisoners to the jail of the county designated in the order. He shall deliver the prisoners to the jailer of that county at the jail, with a copy of the order, and take from him a receipt for the prisoners, which he shall return to the office of the circuit clerk of the county from which the removal was made. The clerk shall file the receipt in his office. The jailer shall receive the prisoners and safely keep such prisoners, he and his sureties shall be liable in the same manner and to the same extent as if the prisoners had been regularly committed by an order of the circuit court of his county. The jailer shall receive the same fees as he would receive for a prisoner committed by the circuit court of his county. The officer conveying the prisoners to the designated jail, and such guards as the judge directs him to take, not exceeding the number of guards allowed in taking convicts to the penitentiary, shall receive the compensation and mileage allowed by KRS 64.070 for taking convicts to the penitentiary. The compensation shall be allowed by the circuit judge directing the transfer and paid out of the State Treasury, unless there was no jail in the county or it was rendered insecure by the failure of the county court to keep it in the requisite condition, in which case it shall be paid by the fiscal court of the county. The circuit judge, in making the allowance, shall state in the order out of which fund it shall be paid. The order of the judge directing the transfer shall be conclusive evidence that the transfer was proper and to the right jail, and shall be a justification to the jailer for holding any such prisoner in any action against him for false imprisonment.

441.050 PRISONER TRANSFERRED TO PENITENTIARY WHEN VIOLENCE THREATENED; OFFICER'S COMPENSATION; WHO PAYS:

If there exists threatened violence or intense feeling and public indignation against a person charged with a crime and in the custody of an officer, and the circuit judge of the county that has jurisdiction of the offense charged is of the opinion that the person cannot be safely kept in the jail in that county, the circuit judge, with the consent of the Governor, may order such person removed for safekeeping to the state reformatory or the state penitentiary, whichever is most convenient to the county having jurisdiction of the offense charged. In the absence of the circuit judge from the county, the county judge of the county shall exercise the powers conferred by this section upon the circuit judge. The officer who makes the removal shall be entitled to the actual expenses in making the removal, and in addition he shall receive a fee of five dollars per day for himself and two and one-half dollars per day each for not more than two guards. The claim for fees and expenses shall be presented for approval to the circuit court of the county having jurisdiction of the offense. If the person removed is charged with a felony the expenses and fees shall be paid by the state; if charged with a misdemeanor the expenses and fees shall be paid by the county having jurisdiction of the offense charge.

441.060 BOARD OF PRISONER TRANSFERRED TO PENITENTIARY; WHO PAYS:

If a person transferred pursuant to KRS 441.050 is charged with a felony the expense of keeping and boarding him at the penitentiary or reformatory shall be borne by the state; if he is charged with a misdemeanor the fiscal court of the county having jurisdiction of the offense charged shall pay the Department of Corrections the fees provided by law to be allowed to a jailer for keeping and boarding a prisoner.

441.065 USE AND ADMINISTRATION OF JAIL IN COUNTY CONTAINING CITY OF FIRST CLASS, AFTER ESTABLISHMENT OF WORKHOUSE OR PENAL FARM:

Upon the consolidation of the offices of sheriff and jailer and the establishment of a workhouse or penal farm in any county containing a city of the first class, no person thereafter, except in cases of contempt of court, shall be sentenced to the county jail, nor shall serve any time therein. The jail in such county shall function only as a holdover or station house for the retention of persons awaiting trial, sentence or transfer, and shall be administered by the sheriff by his appointment of a superintendent therefor experienced in penal administration. The sheriff shall receive the same fees as jailers receive for the care and maintenance of said persons so confined and said fees and the other fees of his office shall be available for the operation thereof. It shall be the duty of the fiscal court of such county to appropriate money from the general funds for the operation of such jail or holdover in event the fees of his office are insufficient properly to care for the persons confined therein. Any city within the county may use such jail upon payment of the fees set out in KRS 64.150.

441.070 FISCAL COURT MAY ESTABLISH WORKHOUSE:

Any fiscal court may establish a workhouse, and for that purpose may rent an appropriate house and grounds, or purchase and receive conveyance of land. It may contract for erecting a workhouse and improvements in connection therewith, and purchase furniture, implements and other personal property necessary for the workhouse.

441.080 JOINT OPERATION OF WORKHOUSE:

The fiscal courts of any two or more counties may contract for the joint construction, management and use of a workhouse for the counties. A fiscal court and the legislative body of a city in the county may contract for the joint use of a workhouse, whether owned by the county or by the city or by both.

441.090 MANAGER OF WORKHOUSE APPOINTMENT; DUTIES:

The fiscal court may appoint a manager of the workhouse, who shall receive and safely keep all prisoners committed to his custody, and see that they are comfortably fed and lodged and have proper attention when sick. He shall see that the prisoners work and conduct themselves according to prescribed regulations. He shall make such reports as the county court directs, and shall in all respects obey such orders as the county court makes respecting his duties.

441.100 LEASING OUT WORKHOUSE; DUTIES OF LEASEE:

The fiscal court may, for a period not longer than one year, lease the workhouse grounds and property. The lease shall carry with it and vest in the leasee the right to the labor of all the prisoners who are in the workhouse during the period of the lease, under such regulations as the fiscal court may lawfully prescribe. The leasee shall have the same power and shall discharge the same duties as if he were manager. The leasee shall execute a bond with good security, payable to the Commonwealth, stipulating that he will keep the leased property in good repair and return it at the expiration of his term in the same condition as when he received it, except for natural depreciation and unavoidable accidents, and that he will in all respects faithfully discharge his duties as leasee and perform all the stipulations of the lease, which shall be fully set out in the bond.

441.110 PHYSICIAN FOR WORKHOUSE:

The fiscal court shall employ a physician to attend sick prisoners in the workhouse, and the manager or leasee of the workhouse shall promptly inform the physician of any case of sickness.

441.120 PLACE PRISONERS WORKED; COUNTY JUDGE TO DESIGNATE:

When a defendant is sentenced, pursuant to KRS 431.140, to work at hard labor until his fine and costs or imprisonment, or both, are satisfied, he shall be placed in the workhouse, if there is one in the county, or at work upon some public work or road of the county, or upon the public works of any city in the county. The place of working such prisoners shall be determined by the county judge, and he shall enter an order on the order book of the county court specifying the manner in which such prisoners shall be worked. The judge shall give preference to work on the roads of the county when the weather will permit.

441.130 COST OF KEEPING WORKED PRISONERS; WHO PAYS; HOUSING FOR WORK CREWS:

When prisoners are by order of the county judge committed to the workhouse, they shall be fed and lodged according to the provisions of KRS 441.090. When prisoners are placed upon the public works of any city in the county, the city shall provide and pay for the food and lodging and the cost of guarding the prisoners. When prisoners are placed upon the county roads, or do work of any character connected with the building or maintaining of the public roads of the county,the cost of feeding, lodging and guarding the prisoners while actually engaged in such labor shall be paid out of the funds of the county set aside for road purposes; while not so engaged, the cost of feeding, lodging and guarding the prisoners shall be paid out of the county funds usually drawn on for prison purposes. In order that prisoners may be safely and comfortably kept and housed at night near the places where they are working, the county court may rent suitable buildings, or the prisoners may be kept in camps, or otherwise.

441.140 RULES GOVERNING WORKING PRISONERS:

The county court may prescribe, by an order of record, regulations for the government of the workhouse and of prisoners sentenced to hard labor and those in charge of them, and shall prescribe the number of hours the prisoners shall work and how they shall be secured while at work and at other times.

441.150 MANAGERS AND GUARDS FOR WORK CREWS:

The county judge may appoint a manager for each crew of prisoners, who shall also act as a guard, and the county judge may appoint such additional guards as may be necessary, except that no crew shall consist of less than three prisoners and not more than one man shall be paid to guard and manage less than ten prisoners. The managers and guards shall give bond, in a sum to be fixed by the county judge, for the faithful performance of their duties, and shall take an oath to faithfully perform their duties. They shall serve during the pleasure of the county judge. They shall be peace officers with power to make arrests. They shall be paid not less than ten cents nor more than twenty-five cents per hour while on duty, the amount to be paid to be fixed in the order of appointment. The manager of each crew shall see that the prisoners are comfortably fed and lodged, and have proper attention when sick, and that they work and conduct themselves according to prescribed regulations. The manager shall receive and safely keep all prisoners committed to his custody. He shall report to the county court in regard to such matters as the court directs, and he and the guards shall in all respects obey such orders as the county court makes respecting their duties.

441.160 PRISONERS TRANSFERRED TO WORKHOUSE; PROCEDURE:

The jailer shall, upon the order of the county judge, release from jail and turn over to the manager of a workhouse or work crew any prisoner sentenced to serve a fine and costs or imprisonment, or both, at hard labor. The order shall release the jailer from any further authority or liability as to such prisoner, and from any and all responsibility regardless of the court that committed the prisoner. The workhouse manager or crew manager shall assume responsibility and shall receipt to the jailer for all prisoners turned over to them. Prisoners may be transferred in the same manner, on order of the county judge, from the custody of a workhouse manager or crew manager to the custody of the jailer.

441.170 CAPIAS PRO FINE; PERSONS ARRESTED ON MAY BE DELIVERED TO WORKHOUSE:

An officer arresting a male person upon a capias pro fine or similar writ, which fine and costs may be worked out at hard labor if not satisfied, may deliver the prisoner to a manager of a workhouse or manager of a work crew, and the manager shall receive the prisoner in the manner that jailers are authorized to do.

441.200 DISPOSITION OF PRISONERS; JAILER TO REPORT:

The jailer shall report to the county court, once each month, the disposition made of prisoners sentenced to hard labor.

441.205 WORKHOUSE OR PENAL FARM IN COUNTY CONTAINING CITY OF FIRST CLASS:

(1) The fiscal court of any county containing a city of the first class may purchase sufficient land any place within said county for use as a workhouse or penal farm and have constructed thereon facilities for the housing and rehabilitation of persons convicted by any of the courts in such county. The cost of such land and facilities shall be paid out of the county levy. A superintendent experienced in penal administration appointed by the county director of welfare and removable only for good cause shall supervise said institution, and employ the necessary personnel for the operation thereof. If there is no director of welfare in such county, the superintendent shall be appointed by the fiscal court. He shall not be limited to the provisions of KRS 441.140 as to salaries paid to guards or other employes, nor by KRS 441.120 as to the employment of persons confined therein. The fiscal court shall receive such fees from the Commonwealth of Kentucky for the care and maintenance of persons confined therein as would be paid by said Commonwealth if such persons were confined in a county jail.

(2) Any city may use such penal farm or workhouse by payment of fees proportionate to the cost of the maintenance thereof.

(3) Such workhouse or penal farm may be designated by some other name by the fiscal court of such county.

JAILS IN CITIES

441.210 "STATION HOUSE" DEFINED:

As used in KRS 441.220 to 441.290, "station house" means any place, other than the county jail, where persons are temporarily under arrest.

441.220 FEMALE PRISONERS IN CITY OF FIRST CLASS; MAYOR TO DESIGNATE PLACES OF DETENTION:

(1) The mayor of each city of the first class shall designate one or more station houses within the city for the detention of all female prisoners who may be properly detained in a station house while awaiting trial. The mayor may change the station houses so designated, but at least one station house shall always remain as a place in which female prisoners may be detained until they have been set at liberty or removed by order of a competent court.

(2) If there is a county jail in a city of the first class, the mayor of the city shall also designate the jail as a place in which female prisoners may be detained awaiting trial, or after trial, until removed or set at liberty by the order of a competent court.

441.230 MATRONS FOR COUNTY JAIL; APPOINTMENT, SALARY AND QUARTERS:

Immediately following the designation of the county jail as a place where female prisoners may be detained, as provided in subsection (2) of KRS 441.220, the county jailer shall appoint two respectable women to care for and have supervision over the female prisoners in the jail, subject to the orders of the jailer. One of the women so appointed shall be called police matron and the other shall be called assistant police matron, and they shall be stationed at the county jail. The police matron shall, subject to the county jailer, have charge of the assistant matrons stationed at the jail, and shall instruct them as to their duties and see that they give proper care to the female prisoners under their care. The matron and assistant matrons at the county jail shall each receive a salary of one hundred dollars per month, to be paid in the same manner as deputy county jailers. The jailer shall provide suitable accommodations for the matrons and female prisoners at the county jail, the expense thereof to be borne by the county.

441.240 ASSISTANT MATRONS FOR STATION HOUSES; APPOINTMENT, SALARY AND QUARTERS:

The mayor of a city of the first class may appoint two assistant police matrons for each station house that he designates as a place for the detention of female prisoners. The chief of police shall have charge of the assistant matrons at the station house and shall instruct them as to their duties and see that they give proper care to the female prisoners under their care. The chief of police shall notify the mayor of the necessity for appointing assistant matrons and of any vacancies that exist. Each assistant matron shall receive a salary of one hundred dollars per month. The chief of police shall provide sufficient and suitable accommodations for the matrons and female prisoners at each of the designated station houses. The salaries of the assistant matrons at the station houses and the expenses necessary to provide accommodations for them and the female prisoners shall be paid by the city in the same manner as other expenses of the police department.

441.250 QUALIFICATIONS AND TERM OF MATRONS:

No person shall be appointed police matron or assistant police matron unless she is a woman of good moral reputation and character and has educational ability sufficient to make out all necessary reports and to discharge her duties according to law and the rules of the jail. The police matron and assistants shall not be appointed for a definite term but shall hold their positions until removed by the appointing power, which may be done at any time for the good of the service.

441.260 HOURS AND DUTIES OF MATRONS:

The hours of service of the police matron and the assistant matrons at the county jail shall be arranged by the county jailer, and the hours of service of assistant matrons at station houses shall be arranged by the chief of police, so that at least one of them shall be on duty at all times at each place in which there is one or more female prisoners detained. The police matron, subject to the control of the jailer, shall have the entire care of women and children under arrest in the county jail, and the assistant matrons at station houses, subject to the control of the chief of police, shall have the entire care of women and children under arrest at station houses. The matron or assistant matron may call upon a police officer or a jailer or his deputy for assistance.

441.270 MATRON TO ATTEND COURT; BE PRESENT WHEN FEMALE SEARCHED:

The police matron or one of the assistant police matrons shall attend the circuit court and the police court in the city whenever a female prisoner is brought before such courts, and shall have charge of the prisoner, subject to the orders of the court. If it becomes necessary to search a female prisoner, it shall be done by or in the presence of the matron or an assistant matron.

441.280 NOTIFICATION OF MATRON ON RECEIPT OF FEMALE OR CHILD:

Whenever a woman or child is taken to a station house or jail for which there is a police matron or an assistant police matron, and she is not present at the time the woman or child is received, the keeper of the station house or jail shall immediately notify her that the female or child is detained at that place.

441.290 JAIL VISITING BOARD IN CITIES OF FIRST CLASS:

In each city of the first class there shall be a board of women to be known as the Jail Visiting Board, to consist of one representative each from the Home for Friendless Women, Flower Mission, Free Kindergarten Association, Humane Society, Associated Charities, The Women's Club of Louisville, Kentucky Children's Home Society, District Women's Christian Temperance Union of Louisville, Kentucky, and Women's Christian Association. If any of these organizations do not appoint a representative on the board, the mayor of the city shall make the appointment upon the recommednation of the organizations who do appoint a representative. The board may, once a month, as a body or by its several members, visit and inspect the portions of the county jail and station houses set apart for female prisoners, and it shall annually and as often as it may determine submit reports to the jailer and the mayor respecting conditions affecting women prisoners.

441.300 JAIL PHYSICIAN IN COUNTIES CONTAINING 150,000 POPULATION:

The jailer of a county having a population of 150,000 or more may appoint a physician for the county jail, who shall attend upon and prescribe for all persons confined in jail by court order. The physician shall, upon appointment, enter upon the discharge of the duties of the office, and shall hold office at the pleasure of the jailer. The order of the jailer appointing or removing a physician shall be signed by the jailer and acknowledged before a notary public, and filed with the county court, which shall enter the order upon the order book. The physician shall continue to receive the salary now fixed by law and paid out of the county levy; provided, however, that such salary may be increased or decreased to the amount fixed by the jailer by written recommendation to the Fiscal Court of the county, which recommendation shall become effective upon its approval by resolution of the Fiscal Court. The compensation shall be paid by the county, but the county may require a city using the jail to pay its pro rata part of the compensation.

441.310 CHAPLAIN FOR JAIL IN COUNTIES CONTAINING CITY OF FIRST CLASS:

The county judge of each county containing a city of the first class shall appoint a regularly authorized minister of the gospel as chaplain for the jail in the city. The person appointed must be recommended for the appointment by the ministerial association of the city in which the jail is located or, if there is no such association, by at least ten regularly authorized ministers of the gospel dwelling in the city. The chaplain shall hold his office for a term of four years and until his successor is appointed and qualified, subject to removal at any time by the county judge for sufficient cause stated in writing. The chaplain shall receive a salary of four hundred dollars per annum, to be paid by the county on order of the fiscal court in equal monthly installments. The chaplain shall give proper religious instruction and comfort to the prisoners in the jail who wish to receive the same, and shall visit those who are sick or despondent. He shall use his best efforts to promote the religious and moral welfare of the prisoners, as well as the harmony and general interest of the jail. He shall hold religious services in the jail for the benefit of the prisoners each Sunday, unless he is sick or excused for good cause by the jailer. He shall perform his duties subject to the necessary and proper rules established by the jailer for the control of the inmates of the jail.

441.320 CITY JAILER AND DEPUTY IN CITIES OF SECOND CLASS:

In cities of the second class operating under the councilmanic form of government, the voters shall elect a city jailer, who shall be not less than twenty-five years of age and a qualified voter in the city, provided the city maintains a jail. He shall hold his office for a term of four years. He shall perform such duties as the general council prescribes by ordinance. His compensation for his duties shall not be less than fifteen hundred dollars nor more than twenty-five hundred dollars per annum. He may appoint a deputy, who shall perform such duties as the general council prescribes by ordinance, and whose compensation shall be not less than nine hundred dollars nor more than twelve hundred dollars per annum. All property, machinery, and equipment of the city jail shall be under the immediate control of the city jailer.

441.330 CITY JAILER MAY ALLOW TIME OFF SENTENCE:

In cities of the second class in which a city jail is maintained, the city jailer may grant to any prisoner confined in the city jail one day time off of each ten days sentence for which the prisoner is confined in the jail.

JAIL FACILITIES

441.410 DEFINITIONS:

As used in KRS 441.420 to 441.450 "jail" includes city jails, county jails, workhouses, and all other facilities for the detention of prisoners except for penitentiaries, reformatories, and juvenile facilities, operated apart and separate from a jail, by agencies of state, county and city government. It also includes any such facility on a joint or jurisdictional basis.

441.420 APPROVAL OF CONSTRUCTION PLANS REQUIRED:

(1) No political subdivision of this Commonwealth, or no combination of such subdivision shall build a new jail unless the facility meets the approval or complies with the standards and regulations of, as appropriate:

(a) The state fire marshal.
(b) The department for human resources.
(c) The bureau of corrections, and
(d) Has sufficient design features to assure secure confinement of the prisoners therein as determined by the bureau of corrections.

(2) Final authority for approval of plans for the construction of a jail, or an addition or renovation of a jail shall rest with the Bureau of Corrections.

441.430 APPLICATION FOR APPROVAL OF PLANS; DELAY UNTIL APPROVAL OBTAINED:

(1) Any political subdivision, or combination of such subdivision, desiring to build a jail shall make application, in writing, for approval of the plans for such jail not less than ninety (90) days before the advertising for bids for construction of the facility, or if bids are not to be let, ninety (90) days before the construction commences.

(2) The Bureau of Corrections shall review the plans and within thirty (30) days render a decision as to whetner the plans are approved. If the plans are not approved then construction shall not commence until the requisite approval is obtained.

441.440 ALTERATIONS OF PLANS OR CONSTRUCTION RESTRICTED:

All construction of jails pursuant to approved plans shall be done as provided under those plans and no alterations to the plans or construction shall be made unless prior approval is obtained from the Bureau of Corrections.

441.450 APPROVAL REQUIRED FOR REMODELING OR RECONSTRUCTION OF EXISTING FACILITIES:

Any political subdivision, or combination of subdivisions desiring to remodel or reconstruct an existing jail facility wherein the construction will involve physical change of the structure shall obtain the requisite approvals required by KRS 441.420 to 441.440 and shall reconstruct or modify the said jail in accordance with the approval.

441.990 PENALTIES:

A violation of KRS 441.020 shall be deemed a misfeasance in office, and the county court may fine the jailer therefor, or he may be indicted and fined at the discretion of a jury.

Chapter 446

CONSTRUCTION OF STATUTES

446.010 DEFINITIONS:

As used in the statute laws of this state, unless the context requires otherwise:

(24) "Peace officer' includes sheriffs, constables, coroners, jailers, marshals, policemen and other persons with similar authority to make arrests.

Chapter 503

GENERAL PRINICPLES OF JUSTIFICATION

503.010 DEFINITONS:

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Deadly physical force" means force which is used with the purpose of causing death or serious physicial injury or which the defendant knows to create a substantial risk of causing death or serious physical injury.

(2) "Dwelling" means any building or structure, though movable or temporary which is for the time being either totally or partially the defendant's home or place of lodging.

(3) "Physical force" means force used upon or directed toward the body of another person and includes confinement.

503.020 JUSTIFICATION; A DEFENSE:

In any prosecution for an offense, justification, as defined in this chapter, is a defense.

503.030 CHOICE OF EVILS:

(1) Unless inconsistent with the ensuing sections of this code defining justifiable use of physical force or with some other provisions of law, conduct which would otherwise constitute an offense is justifiable when the defendant believes it to be necessary to avoid an imminent public or private injury greater than the injury which is sought to be prevented by the statute defining the offense charged, except that no justification can exist under this section for an intentional homicide.

(2) When the defendant believes that conduct which would otherwise constitute an offense is necessary for the purpose described in subsection (1), but is wanton or reckless in having such belief, or when the defendant is wanton or reckless in bringing about a situation requiring the conduct described in subsection (1), the justification afforded by this section is unavailable in a prosecution for any offense for which wantonness or recklessness, as the case may be, suffices to establish culpability.

503.040 EXECUTION OF PUBLIC DUTY:

(1) Unless inconsistent with the ensuing sections of this code defining justifiable use of physical force or with some other provisions of law, conduct which would otherwise constitute an offense is justifiable when it is required or authorized by a provision of law imposing a public duty or by a judicial decree.

(2) The justification afforded by subsection (1) applies when:

(a) The defendant believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; or

(b) The defendant believes his conduct to be required or authorized to assist a public officer in the performance of his duties, notwithstanding that the officer exceeded his legal authority.

503.050 USE OF PHYSICAL FORCE IN SELF-PROTECTION:

(1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping, or sexual intercourse compelled by force or threat.

503.060 IMPROPER USE OF PHYSICAL FORCE IN SELF-PROTECTION:

Notwithstanding the provisions of KRS 503.050, the use of physical force by a defendant upon another person is not justifiable when:

(1) The defendant is resisting an arrest by a peace officer, recognized to be acting under color of official authority and using no more force than reasonably necessary to effect the arrest, although the arrest is unlawful; or

(2) The defendant, with the intention of causing death or serious physical injury to the other person, provokes the use of physical force by such other person; or

(3) The defendant was the initial aggressor, except that his use of physical force upon the other person under this circumstance is justifiable when:
(a) His initial physical force was non-deadly and the force returned by the other is such that he believes himself to be in imminent danger of death or serious physical injury; or
(b) He withdraws from the encounter and effectively communicates to the other person his intent to do so and the latter nevertheless continues or threatens the use of unlawful physical force.

503.070 PROTECTION OF ANOTHER:

(1) The use of physical force by a defendant upon another person is justifiable when:
(a) The defendant believes that such force is necessary to protect a third person against the use or imminent use of unlawful physical force by the other person; and
(b) Under the circumstances as the defendant believes them to be, the person whom he seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.

(2) The use of deadly physical force by a defendant upon another person is justifiable when:
(a) The defendant believes that such force is necessary to protect a third person against imminent death, serious physical injury, kidnapping or sexual intercourse compelled by force or threat; and
(b) Under the circumstances as they actually exist, the person whom he seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.

503.080 PROTECTION OF PROPERTY:

(1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is immediately necessary to prevent:

(a) The commission of criminal trespass or burglary in a dwelling, building or upon real property in his possession or in the possession of another person for whose protection he acts; or

(b) Theft, criminal mischief, or any trespassory taking of tangible, movable property in his possession or in the possession of another person for whose protection he acts.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that the person against whom such force is used is:

(a) Attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or

(b) Committing or attempting to commit a burglary of such dwelling; or

(c) Committing or attempting to commit arson of a dwelling or other building in his possession.

503.090 USE OF PHYSICAL FORCE IN LAW ENFORCEMENT:

(1) The use of physical force by a defendant upon another person is justifiable when the defendant, acting under official authority, is making or assisting in making an arrest, and he:

(a) Believes that such force is necessary to effect the arrest;

(b) Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested; and

(c) Believes the arrest to be lawful.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when:

(a) The defendant, in effecting the arrest, is authorized to act as a peace officer; and

(b) The arrest is for a felony involving the use or threatened use of physical force likely to cause death or serious physical injury; and

(c) The defendant believes that the person to be arrested is likely to endanger human life unless apprehended without delay.

(3) The use of physical force, including deadly physical force, by a defendant upon another person is justifiable when the defendant is preventing the escape of an arrested person and when the force could justifiably have been used to effect the arrest under which the person is in custody, except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be necessary to prevent the escape of a person from jail, prison, or other institution for the detention of persons charged with or convicted of a crime.

503.100 PREVENTION OF A SUICIDE OR CRIME:

(1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is immediately necessary to prevent such other person from:

(a) Committing suicide or inflicting serious physical injury upon himself; or

(b) Committing a crime involving or threatening serious physical injury to person, substantial damage to or loss of property, or any other violent conduct.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) (b) only when the defendant believes that the person whom he seeks to prevent from committing a crime is likely to endanger human life.

(3) The limitations imposed on the justifiable use of force in self-protection by KRS 503.050 and 503.060, for the protection of others by KRS 503.070, and for the protection of property by KRS 503.080, and for the effectuation of an arrest or the prevention of an escape by KRS 503.090 apply notwithstanding the criminality of the conduct against which such force is used.

503.110 USE OF FORCE BY PERSON WITH RESPONSIBILITY FOR CARE, DISCIPLINE OR SAFETY OF OTHERS:

(1) The use of physical force by a defendant upon another person is justifiable when the defendant is a parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person or when the defendant is a teacher or other person entrusted with the care and supervision of a minor, for a special purpose, and:

(a) The defendant believes that the force used is necessary to promote the welfare of a minor or imcompetent person or, if the defendant's responsibility for the minor or incompetent person is for a special purpose, to further that special purpose or maintain reasonable discipline in a school, class or other group; and

(b) The force that is used is not designated to cause or known to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme mental distress.

(2) The use of physical force by a defendant upon another person is justifiable when the defendant is a warden or other authorized official of a correctional institution, and:

(a) The defendant believes that the force used is necessary for the purpose of enforcing the lawful rules of the institution;

(b) The degree of force used is not forbidden by any statute governing the administration of the institution; and

(c) If deadly force is used, its use is otherwise justifiable under this code.

(3) The use of physical force by a defendant upon another person is justifiable when the defendant is a person responsible for the operation of or the maintenance of order in a vehicle or other carrier of passengers and the defendant believes that such force is necessary to prevent interference with its operation or to maintain order in the vehicle or other carrier, except that deadly physical force may be used only when the defendant believes it necessary to prevent death or serious physical injury.

(4) The use of physical force by a defendant upon another person is justifiable when the defendant is a doctor or other therapist or a person assisting him at his direction, and:

(a) The force is used for the purpose of administering a recognized form of treatment which the defendant believes to be adapted to promoting the physical or mental health of the patient; and

(b) The treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of the parent, guardian, or other person legally competent to consent in his behalf, or the treatment is administered in an emergency when the defendant believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

Chapter 520

ESCAPE AND OTHER OFFENSES RELATING TO CUSTODY

520.010 DEFINITIONS:

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, departmental regulation, or posted institutional rule or order.

(2) "Custody" means restraint by a public servant pursuant to a lawful arrest, detention, or an order of court for law enforcement purposes, but does not include supervision of probation or parole or constraint incidental to release on bail.

(3) "Dangerous Contraband" means contraband which is capable of such use as may endanger the safety or security of a detention facility or persons therein.

(4) "Detention facility" means any place used for the confinement of a person:
(a) Charged with or convicted of an offense; or
(b) Alleged or found to be delinquent; or
(c) Held for extradition or as a material witness; or
(d) Otherwise confined pursuant to an order of court for law enforcement purposes.

(5) "Escape" means departure from custody or the detention facility in which a person is held or detained with knowledge that such departure is unpermitted, or failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period.

520.020 ESCAPE IN THE FIRST DEGREE:

(1) A person is guilty of escape in the first degree when he escapes from custody or a detention facility by the use of force or threat of force against another person.

(2) Escape in the first degree is a Class C felony.

520.030 ESCAPE IN THE SECOND DEGREE:

(1) A person is guilty of escape in the second degree when he escapes from a detention facility or, being charged with or convicted of a felony, he escapes from custody.

(2) Escape in the second degree is a Class D felony.

520.040 ESCAPE IN THE THIRD DEGREE:

(1) A person is guilty of escape in the third degree when he escapes from custody.

(2) Escape in the third degree is a Class B misdemeanor.

520.050 PROMOTING CONTRABAND IN THE FIRST DEGREE:

(1) A person is guilty of promoting contraband in the first degree when:
(a) He knowingly introduces dangerous contraband into a detention facility; or
(b) Being a person confined in a detention facility, he knowingly makes, obtains or possesses dangerous contraband.

(2) Promoting contraband in the first degree is a Class D felony.

520.060 PROMOTING CONTRABAND IN THE SECOND DEGREE:

(1) A person is guilty of promoting contraband in the second degee when:
(a) He knowingly introduces contraband into a detention facility; or
(b) Being a person confined in a detention facility, he knowingly makes, obtains or possesses contraband.

(2) Promoting contraband in the second degree is a Class A misdemeanor.

520.070 BAIL JUMPING IN THE FIRST DEGREE:

(1) A person is guilty of bail jumping in the first degree when, having been released from custody by court order, with or without bail, upon condition that he will subsequently appear at a specified time and place in connection with a charge of having committed a felony, he intentionally fails to appear at that time and place.

(2) In any prosecution for bail jumping, the defendant may prove in exculpation that his failure to appear was unavoidable and due to circumstances beyond his control.

(3) Bail jumping in the first degree is a Class D felony.

520.080 BAIL JUMPING IN THE SECOND DEGREE:

(1) A person is guilty of bail jumping in the second degree when, having been released from custody by court order, with or without bail, upon condition that he will subsequently appear at a specified time and place in connection with a charge of having committed a misdemeanor, he intentionally fails to appear at that time and place.

(2) In any prosecution for bail jumping, the defendant may prove in exculpation that his failure to appear was unavoidable and due to circumstances beyond his control.

(3) Bail jumping in the second degree is a Class A misdemeanor.

520.090 RESISTING ARREST:

(1) A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a peace officer, recognized to be acting under color of his official authority from effecting an arrest of the actor or another by:

(a) Using or threatening to use physical force or violence against the peace officer or another; or

(b) Using any other means creating a substantial risk of causing physical injury to the peace officer or another.

(2) Resisting arrest is a Class A misdemeanor.

Chapter 526

EAVESDROPPING AND RELATED OFFENSES

526.050 TAMPERING WITH PRIVATE COMMUNICATIONS:

(1) A person is guilty of tampering with private communications when knowing that he does not have the consent of the sender or receiver, he unlawfully:

(a) Opens or reads a sealed letter or other sealed private communication; or

(b) Obtains in any manner from an employee, officer or representative of a communications common carrier information with respect to the contents or nature of a communication.

(2) The provisions of this section do not apply to the censoring of sealed letters or sealed communications for security purposes in official detention or penal facilities.

(3) Tampering with private communications is a Class A misdemenaor.

533.020 PROBATION AND CONDITIONAL DISCHARGE:

(1) When a person who has been convicted to an offense or who has entered a plea of guilty to an offense is not sentenced to imprisonment, the court shall place him on probation if he is in need of the supervision, guidance, assistance or direction that the probation service can provide. Conditions of probation shall be imposed as provided in KRS 533.030, but the court may modify or enlarge the conditions or, if the defendant commits an additional offense or violates a condition, revoke the sentence at any time prior to the expiration or termination of the period of probation.

(2) When a person who has been convicted of an offense or who has entered a plea of guilty to an offense is not sentenced to imprisonment, the court may sentence him to conditional discharge if it is of the opinion that the defendant should conduct himself according to conditions determined by the court but that probationary discharge shall be imposed as provided in KRS 533.030, but the court may modify or enlarge the conditions or, if the defendant commits an additional offense or violates a condition, revoke the sentence at any time prior to the expiration or termination of the period of conditional discharge.

(3) The period of probation or conditional discharge shall be fixed by the court and at any time may be extended or shortened by duly entered court order. Such period, with extensions thereof, shall not exceed five years upon conviction of a felony nor two years upon conviction of a misdemeanor. Upon completion of the probationary period or the period of conditional discharge the defendant shall be deemed finally discharged, provided no warrant issued by the court is pending against him, and probation or conditional discharge has not been revoked.

(4) Notwithstanding the fact that a sentence to probation or conditional discharge can subsequently be modified or revoked, a judgment which includes such a sentence shall constitute a final judgment for purposes of appeal.

SECTION C

References

Subsection	Name	Page No.
C1	Kentucky Constitution	C-2
C2	Citations of Case Law	C-5
C3	Opinions of the Attorney General	C-8
C4	Rules of Criminal Procedure	C-45

Section C1

Kentucky Constitution

Each of the sections of the Kentucky Constitution pertaining to the Jailer and his functions in managing and operating the jail, serving as an elected public official, an officer of the courts, a peace officer, and in some instances as Superintendent of the public buildings and grounds of the county, is contained in this Section.

Section 99. COUNTY JUDGE, CLERK, ATTORNEY, SHERIFF, JAILER, CORONER, SURVEYOR, ASSESSOR, JUSTICE OF THE PEACE, CONSTABLE; ELECTION; TERM OF OFFICE:

There shall be elected in eighteen hundred and ninety-four in each county a judge of the county court, a county court clerk, a county attorney, sheriff, jailer, coroner, surveyor and assessor, and in each justice's district one justice of the peace and one constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and continue in office three years, and until the election, and qualification of their successors; and in eighteen hundred and ninety-seven, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors.

Section 100. COUNTY OFFICERS; COMMONWEALTH'S ATTORNEY; CLERKS; QUALIFICATIONS:

No person shall be eligible to the offices mentioned in Sec. 97 and 99 who is not at the time of his election twenty-four years of age (except clerks of county and circuit courts who shall be twenty-one years of age), a citizen of Kentucky, and who has not resided in the state two years, and one year next preceding his election in the county and district in which he is a candidate.

Section 103. BOND TO BE EXECUTED BY COUNTY AND OTHER OFFICERS:

The judges of county courts, clerks, sheriffs, surveyors, coroners, jailers, constables, and such other officers as the general assembly may from time to time require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as may be prescribed by law.

Section 105. JAILER AND SHERIFF; CONSOLIDATION OF OFFICES:

The general assembly may, at any time, consolidate the offices of jailer and sheriff in any county or counties, as it shall deem most expedient; but in the event such consolidation be made, the office of sheriff shall be retained, and the sheriff shall be required to perform the duties of jailer.

Section 106. FEES OF COUNTY OFFICERS; FEES IN COUNTIES HAVING SEVENTY-FIVE THOUSAND POPULATION OR MORE:

The fees of county offices shall be regulated by law. In counties or cities having a population of seventy-five thousand or more, the clerks of the respective courts thereof (except the clerk of the city court), the marshals, the sheriffs and jailers, shall be paid out of the state treasury, by salary to be fixed by law, the salaries of said officers and of their deputies and necessary office expenses not to exceed seventy-five per centum (75%) of the fees collected by said officers, respectively, and paid into the treasury.

Section 227. OFFICERS LIABLE TO INDICTMENT FOR MISFEASANCE OR NEGLECT; APPEAL:

Judges of the county court, justices of the peace, sheriffs, coroners, surveyors, jailers, assessors, county attorneys and constables shall be subject to indictment or prosecution for misfeasance or malfeasance in office, or wilful neglect in discharge of official duties, in such mode as may be prescribed by law; and upon conviction his office shall become vacant, but such officer shall have the right to appeal to the court of appeals. Provided, also, that the general assembly may, in addition to the indictment or prosecution above provided, by general law provide other manner, method or mode for the vacation of office or the removal from office of any sheriff, jailer, constable or peace officer, for neglect of duty, and may provide the method, manner, or mode of reinstatement of such offices.

Section 228. OATH TO BE TAKEN BY ALL OFFICERS; FORM OF:

Members of the general assembly and all officers, before they enter upon the execution of the duties of their respective officers, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of......according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this state, have not fought a duel with deadly weapons within this state, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Section 235. SALARIES OF OFFICERS NOT TO BE CHANGED DURING TERM; DEDUCTION FROM:

The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the general assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the general assembly also.

Section C2

Citations of Case Law

The citations of case law listed herein are cross-referenced to the number of the Section A subdivision in which they are mentioned. The designations are at the right of each citation. For instance should a citation be used in Section A1.5, the reference would be given as:

Covington v Kenton County Ky. 82 S. W. 392 (1904) A1.5

CASES CITED:

Covington v Kenton County Ky. 82 S.W. 392 (1904) A1.5

Shearer v Hall Ky. 399 S.W. 2d 701 (1966) A1.5

Bath County v United Disinfectant Co. Ky. 58 S.W. 2d 239 (1933) A1.26; A1.28

Ball v Scott Ky 136 S.W. 2d 48 (1940) A1.26

Knott County Fiscal Court v Duke Ky 163 S.W. 459 (1914) A1.28

Frizzell v Holmes Ky 115 S.W. 246 (1909) A1.28

Todd County Fiscal Court v Frey Ky 285 S.W. 2d 499 (1955) A1.28

Funk v Milliken Ky 317 S.W. 2d 499 (1958) A1.17; A1.18; A1.28

Fulton County v Spartan Chemicals, Inc. Ky 343 S.W. 2d 125 (1960) A1.28

Holland v Fayette County Ky 41 S.W. 2d 651 (1931) A1.28; A1.31

Wilson v Ball Ky 323 S.W. 2d 840 (1959) A1.28

Goodlett v Anderson County Ky 101 S.W. 2d 421 (1936) A1.28

Breathitt County v Cockrell Ky 63 S.W. 2d 920 (1933) A1.19

Talbott v Caudill Ky 58 S.W. 2d 385 (1933) A1.19

Laurel County v Steele Ky 148 S.W. 2d 283 (1941) A1.28; A1.31

Brummal v Jackson Ky 140 S.W. 1016 (1911) A1.28

Perkins v Cumberland County Ky 172 S.W. 2d 651 (1943) A1.28

Moody v. Duerson Ky 133 S.W. 2d 712 (1939) A1.17

Rosenberg v Bax Ky 258 S.W. 2d 458 (1953) A1.1; A1.20

Pepper v Mayes Ky 81 Ky 673 (1884) A1.1

Commonwealth v Mayhers Ky 178 S.W. 2d 928 (1943) A1.1

Garvin v Muir Ky 306 S.W. 2d 256 (1957) A1.1; A1.2

Goins v Hudson Ky 55 S.W. 2d 388 (1932) A1.1

Glenn v Porter Ky 168 S.W. 2d 32 (1943) A1.2; A1.29

Commonwealth v Smith Ky 118 S.W. 2d 538 (1938) A1.2

Commonwealth v Roberts 1 Duv. 196 (1864) A1.29

Lynch v Commonwealth Ky 73 S.W. 745 (1903) A1.24; A1.29

Brabandt v Commonwealth Ky 162 S.W. 786 (1914) A1.29

City of Richmond v Madison County Ky 161 S.W. 2d 58 (1942) A1.37

City of Paducah v McCracken County Ky 204 S.W. 2d 942 (1947) A1.37

Edwards v Duncan 355 F. 2d 993 (1966) A1.37

Waters v Dade County Fla. 169 So. 2d 505 (1964) A1.37

State v National Surety Co. Tenn 39 S.W. 2d 581 (1931) A1.37

Farmer v State Miss. 79 So. 2d 528 (1955) A1.37

Henry v Wilson Ky 61 S.W. 2d 305 (1933(A1.22; A1.33

Yager v Commonwealth Ky 407 S.W. 2d 413 (1966) A1.25

Denson v U.S. 424 F. 2d 329 (1970) A1.25

Bride v Commonwealth Ky 4 Bush. 331 (1868) A1.24

Bowling Green v Rogers Ky 135 S.W. 921 (1911) A1.24

Bartlett v Commonwealth Ky 418 S.W. 2d 225 (1967) A1.24

Roberts v Williams 302 F. Supp. 972 (1969) A1.24

Ratliff v Stanley Ky 7 S.W. 2d 230 (1928) A1.24

Lamb v Clark Ky 138 S.W. 2d 350 (1940) A1.24

Glover v Hazelwood Ky 387 S.W. 2d 600 (1964) A1.24

City of Lexington v Greenbow Ky 451 S.W. 2d 424 (1970) A1.24

City of Louisville v Humphrey Ky 461 S.W. 2d 352 (1970) A1.24

Procunier v Martinez 94 S. Ct. 1800 (1974) A1.25

Parks v Ciccone 281 F Supp. 805 (W.D. Mo. 1968) A1.25

Jackson v Bishop 404 F 2d 57 (8th Cir. 1968) A1.6

Landman v Youster 333 F Supp. 621 (E.D. Va. 1971) A1.6

Section C3

Opinions of the Attorney General

Opinions of the Attorney General as to the applicability of statutes and legal precedents of case law to a proposed question are regarded as being advisory in nature but of such authority as to constitute the basis for action until the specific question is ruled upon by a court of law.

This presentation of opinions related to the jail and the Jailer are by no means complete. However, of the opinions brought to attention during the preparation of this Manual, selection was made of those believed to be most pertinent to the Jailer.

Section C3

Opinions of the Attorney General

1956-38,714 Jailer is entitled to fee for attendance at all regular terms, regardless of where they are held, and special terms only if held in the courtroom.

Section C3

Opinions of the Attorney General

1958-42,117 It is the duty of the Jailer to obtain medical aid for a sick prisoner. (See also: OAG 66-7; OAG 68-344; OAG 70-329(1)).

Section C3

Opinions of the Attorney General

60.1279 If the employees of the Jailer reside at the County Jail, the Fiscal Court may or may not charge them a monthly rental fee. The Jailer or his Deputy Jailer(s) cannot be charged.

Section C3

Opinions of the Attorney General

62-616 A city of the fourth class is authorized to use the county jail for its prisoners by paying the jailer fees for keeping and dieting of the prisoners, and the county cannot require as a prerequisite that the city pay part of the utilities of the jail.

Section C3

Opinions of the Attorney General

62-765 The Attorney General was asked whether a Fiscal Court could order the Jailer not to confine a person not committed by a court order. Basing his opinion on KRS 71.040, the Attorney General said the Fiscal Court had no authority to suspend or relieve a Jailer from the duties imposed upon him by statute, and that it is permissable under certain circumstances to lodge the arrested person in jail for a short time until a Magistrate can be found. (See also OAG 64-11; OAG 64-205; OAG 65-317; Sec Al.1 and Al.20).

Section C3

Opinions of the Attorney General

62-938 The Attorney General replied as indicated to the three questions given here:

(1) How many days must a person stay in jail in order to satisfy a fine and cost amounting to $30.00?

If the judgment does not specify that the defendant work at hard labor until the fine and costs are satisfied, the defendant shall be imprisoned not more than one day for each two dollars of the fine or a total of 15 days although the fine may still be collected, 289 Criminal Code of Practice. If the judgement specifies hard labor and the defendant works at hard labor, it shall be satisfied at the same rate or 15 days. KRS 431.140. If the judgment specified hard labor and the prisoner is not worked, but remains in jail, a credit of $1.00 per day is allowed or 30 days. KRS 441.190.

(2) May one who swears out a warrant of arrest for a felony orally tell the county judge to dismiss the case and instruct the sheriff not to issue the warrant?

A warrant of arrest is an order to a peace officer to arrest the person charged with the crime and bring him before a magistrate, 27, Criminal Code of Practice. It is not a private matter, but is between the Commonwealth and the accused. The complaining witness has no authority to dismiss the charge or stop the service of the warrant.

(3) When a peace warrant has been issued, may the county judge take a bond before having a hearing on the warrant?

A "peace warrant" is simply a warrant of arrest commanding that the defendant be arrested and brought before the magistrate. 383, Criminal Code of Practice. The court must have a hearing before requiring him to execute a bond. 384, Criminal Code of Practice.

(See also: OAG 63-60; OAG 64-739; OAG 66-344(2)(3); OAG 70-329(2) (3).

Section C3

Opinions of the Attorney General

63-60 On a question about the procedure of transferring prisoners to a work crew the Attorney General was of the opinion:

> .....the order by the county judge should name the prisoner to be transferred by the jailer to the work crew manager and specify the manner in which the prisoners are to be worked and release the jailer from authority and responsibility for said prisoners while they are in the custody of the work crew manager. The Circuit or Quarterly Courts may not enter any order after the prisoners are sentenced to hard labor and delivered to the county jail as complete jurisdiction over the prisoner is given to the county judge. Where the judgment is a fine or imprisonment in the county jail, or both, and the county has no workhouse, the confinement shall be in jail in the custody of the jailer.

(See also: OAG 62-938(1); OAG 64-739; OAG 66-479 (2) (3); OAG 70-329 (2) (3).

Section C3

Opinions of the Attorney General

64-11 The problem that faces the Jailer, as well as the arresting officer, is the Court's interpretation of the phrase "without unnecessary delay", and what is a reasonable time will be determined from the facts of the particular case.

When a person is arrested for a minor traffic violation, punishable by fine only, it is unreasonable to place him in jail for any length of time whatsoever, unless upon being given an opportunity to make bail he is unable to do so.

(See also OAG 62-765; OAG 64-205; OAG 65-317; Sec Al.1 and Al.20)

64-205 In a 1964 opinion (OAG 64-205), the Attorney General was asked if it was the responsibility of the jailer to take the arrested person before the Court the next morning. The Attorney General said that while there is no authority for the placing of an arrested person in jail, some confinement can be proper. "Such detention can be justified, however, only on the basis of its being a necessary delay within the meaning of the Rules of Criminal Procedure." The Attorney General states that while the arresting officer has the authority and responsibility to take the arrested person before a magistrate, the jailer and arresting officer may agree on who shall take the person to court, but ".... the jailer is not...the agent of or subject to the control of the arresting officer and need not make any such agreement. He may insist that the arresting officer complete his function by taking the person to the magistrate. The jailer should not, however, allow an arrested person to remain in jail indefinitely without an appearance before a magistrate." (See Garvin v Muir). "Regardless of whether or not the arresting officer does not call for the prisoner fairly promptly, the jailer should insure that the arrested person is taken before a magistrate." (See Goins v Hudson.)

(See also OAG 62-765; OAG 64-11; OAG 65-317; Sec Al.1 and Al.20).

Section C3

Opinions of the Attorney General

64-413 Probation in inferior court must be accompanied with supervision; circuit court could be asked to invoke its supervising power.

64-465 The Attorney General is of the opinion that in the situation involving military prisoners of the United States, the federal government must pay the jailer's fee allowed by KRS 64.150:

> ...it is the opinion of this office that jailer's fees, attributed to military prisoners of Kentucky as defined herein, should be paid out of the State Treasury. The jailer should submit any applicable claims to the County Audit Section (State and Local Finance Officer), Department of Finance; but any such claims should be included with the jailer's regular claims for dieting and keeping felony civil prisoners. We conclude that we can find no authority requiring a county to pay the jailer fees for confining military prisoners.

Section C3

Opinions of the Attorney General

64.739 A member of a Fiscal Court stated that the Drainage Commission and the Fiscal Court were faced with maintenance work problems in connection with creeks, ditches, tributaries, road weeds and underbrush. The following question was asked:

Is it legal for the county to work prisoners on these drainage problems?

KRS 431.140, relating to working prisoners at hard labor, reads:

"When the punishment for a crime is a fine or imprisonment in the county jail, or both, and the defendant is a male, the jury may, in its discretion, in those cases in which it is authorized to fix the punishment, provide in its verdict that the defendant shall work at hard labor until the fine and costs are satisfied, or during the time of his sentence of imprisonment, or both, and the presiding judge at such a trial shall inform the jury by an instruction that it may so provide in its verdict. When such a verdict is returned, or when the case is tried by the court or the punishment is authorized to be fixed by the court, a judgment shall be rendered directing that the defendant shall work at hard labor until the fine and costs are satisfied, at the rate of two dollars per day, or during the time of his sentence of imprisonment, or both, as the verdict provides."

Further treatment of this matter is found in KRS 441.120, which provides:

"When a defendant is sentenced, pursuant to KRS 431.140, to work at hard labor until his fine and costs or imprisonment, or both, are satisfied, he shall be placed in the workhouse, if there is one in the county, or at work upon some public work or road of the county, or upon the public works of any city in the county. The place of working such prisoners shall be determined by the county judge, and he shall enter an order on the order book of the county court specifying the manner in which such prisoners shall be worked. The judge shall give preference to work on the roads of the county when the weather will permit."

We assume you have no workhouse. Therefore the County Judge, where a Judgment and sentence provide for hard labor under KRS 431.140, supra, by an appropriate order, can cause the prisoner to be worked upon some public work, road or street of the county or city in the county. Since the Drain-

(See also: OAG 62-938(1); 63-60; 66-479(2); 70-329(2)(3)).

age Acts of KRS Ch. 267 and Ch. 268 were apparently designed to promote primarily the public benefit, health, convenience and welfare, we believe that working on public drainage projects for the Drainage Commission, which projects are authorized by statute, on the part of prisoners, falls logically within the term "public work" as mentioned in KRS 441.120, supra.

In Young v Ventura County, Cal. 104 P. (2d) 102 (1940), the California Court held that a storm ditch constructed and maintained by defendant County unquestionably came within the classification of "public works" as the term was used in certain statutes, which provided that counties shall be liable for injuries to persons and property resulting from dangerous or defective condition of public works, etc. The court said this about the ditch:

> "It was designed to subserve a purpose of public use and convenience in carrying off storm waters in the area in which it was constructed. It was not necessary that it be constructed upon public property, but it could be constructed and maintained by the county upon private property...The statutes in question do not provide that the public works be constructed upon property owned by the political subdivisions referred to therein."

The plaintiffs, in Bauer v County of Ventura, Cal., 289 P. (2d) 1 (1955), alleged that the county and Storm Drain Maintenance District built a system of ditches and levees in a certain area; and that the system was left in a dangerous and defective condition, such that water overflowed onto and damaged plaintiff's lands. The drainage system in this case was constructed pursuant to the Storm Drain Maintenance District Act of California, which enables County Board of Supervisors to create and govern a storm drainage maintenance district under certain conditions. The defendant County asserted that the complaint was defective for not alleging that the property, claimed to be kept in a dangerous and defective condition, was owned by the County. In striking down that contention the Court wrote:

> "There is no merit in this contention for it ignores the definition of the language of Section 53051 found in the Code itself. Section 53050 defines 'public property' as meaning '...public street, highway, building, park, grounds, works, or property.' The drainage system and ditch involved in this case are clearly 'public works' and therefore 'public property' within the meaning of the Code."

Your next question is as follows:

> "Is it legal for the county to work prisoners on these drainage problems? If so, what provisions would govern their use, such as preliminary medical exam, wages, if any, insurance protection, hours per week, et cetera."

Generally, the County Judge specifies in his Order the manner in which the prisoners shall be worked. KRS 441.120. This could include reasonable working hours. The County Court may prescribe regulations for the government of prisoners sentenced to hard labor and shall prescribe the number of hours the prisoners shall work. See KRS 441.140. Of course, the prisoner should not be worked where his health will not permit. We would suppose that some type of medical examination would be indicated where some reasonable doubt as to medical status of a prisoner might exist in the mind of the Judge.

Where a prisoner is working out a fine and costs, the rate of $2.00 per day is prescribed in KRS 431.140. If he is working out a sentence of imprisonment, no monetary credit or value is involved.

As concerns procuring insurance covering possible injury to prisoners, see OAG 64-465, a copy of which is attached.

> Your last question: "May the county work any prisoner in the County Jail whether so committed by the city, county or circuit judge?"

It is believed that KRS 431.140, relating to confinement at hard labor, applies to convictions and jail commitments in the second class city, county or circuit courts. The statute makes no distinction between the trial courts in this regard. Thus KRS 441.120 (location of prisoners worked) and KRS 441.140 (hours, etc.) can apply to prisoners convicted and committed to county jail in any of the three courts mentioned. Of course, under KRS 431.140, a Judgment and sentence, providing for hard labor, must be entered in order that the prisoner can be worked at hard labor.

Misdemeanants convicted and committed to jail in your city court should be confined in your city workhouse or jail, if you have one. See KRS 26.460. If you do not have a city workhouse or jail, then, under KRS 441.020, the city may use the county jail. In the latter situation, KRS 431.140 would apply as to hard labor, where hard labor is provided by Judgment and sentence. Thus KRS 441.120 would apply to such city prisoners, leaving the place of work to be decided by the County Judge, i.e., on public works or roads of city or county; except that the County Judge under the latter statute shall give preference to work on county roads when the weather will permit.

Section C3

Opinions of the Attorney General

64-758 The Attorney General (OAG 64-758) is of the opinion that the fiscal court is required to equip the county jail with cooking and kitchenware:

> It is the opinion of this office that the fiscal court has the general duty of equipping the county jail with the basic equipment necessary in the preparation and storage of food for prisoners fed therein. We believe that a stove, refrigerator, cooking and kitchenware are items that properly belong in the category of basic cooking and food storage equipment.

It is up to the fiscal court to determine what items or appliances are necessary in feeding the prisoners.

Section C3

Opinions of the Attorney General

65-183 If in dry territory, a County Jailer could arrest anyone delivering liquor to an inmate of the jail without a warrant if the offense was committed in the Jailer's presence.

65-317 The Attorney General in a written opinion answered a question about confinement of persons in the county jail without a written commitment from a magistrate. The Attorney General stated that:

> What is a reasonable time must depend upon the facts and circumstances of each case. No definite rule can be set out for your guidance. Among other factors, it would seem proper to consider the nature of the charge, the condition of the accused, the time of the commitment, the locality of the commitment (whether rural or urban), whether an attempt was made to obtain a magistrate, and the reason for the unavailability of a magistrate. It is probable that the courts would consider it reasonable to lodge a person arrested in the very late hours of the night or the wee hours of the morning until a magistrate could be obtained at a reasonable hour of the morning. On the other hand, it is difficult to conceive of how a detention for longer than overnight could be justified without a written commitment.

(See also OAG 62-765; OAG 64-11; OAG 64-205; Sec A1.1 and A1.20)

65-420 KRS 441.030 deals with transfer of prisoners to a secure jail and says that if under certain circumstances the jail is found to be insecure the circuit judge may order a prisoner transferred to another county jail and the jailer of that county shall receive him. This statute has been interpreted to relate to a danger of mob action that threatens the life of a prisoner and not the physical condition of the jail. The Attorney General (AG 65-420) is of the opinion that the statute is for security purposes and relates solely to orders of a circuit court. KRS 441.030 does not authorize the inferior courts of one county to request the jailer of another county to receive their prisoners because the committing county's inferior court thinks the jail is unfit for the custody of prisoners.

Section C3

Opinions of the Attorney General

66-7 If the prisoner is committed by a city, the Attorney General is of the opinion that if the person is indigent the primary responsibility for furnishing necessary medical attention and drugs rests upon the county. The opinion further stated that the medical care of indigents is an area in which the city and county may agree between themselves as to the sharing of responsibility especially if the city has received the benefit of any fines (OAG 66-7).

(See also OAG 1958-42,117; OAG 68-344; OAG 70-329(1)).

Section C3

Opinions of the Attorney General

66-105 COMPENSATION OF OFFICERS AND EMPLOYEES - Jailers, assistants; JAILERS - Deputies appointment; fees; VACANCIES IN OFFICE - County officers

SYLLABUS: 1. Where a county jailer has never had deputies nor matrons, the jailer may appoint not more than two deputies and matron without the necessity for the approval of the fiscal court during the present term of the jailer; however, the compensations of such deputies and matrons must be set by the fiscal court.

2. A jailer is entitled to $6.00 per day for each day the county or quarterly court is in open or actual session and the jailer is present at the direction of the court.

3. Though a county has switched to commissioner form of government and though the magistrate offices are vacant, the magisterial districts in existence at the time of change continue. Thus, the county judge can appoint a constable to fill the constable vacancy existing in each magisterial district subject to 152 of the Constitution.

To: County Attorney
By: Asst. Atty. General, February 21, 1966

You request our opinion on three questions in your letter of January 22, 1966. The first question:

> "KRS 71.060 provides that a jailer may appoint not more than two deputies, and, with the approval of the County Court, may appoint additional deputies. ...... County, Kentucky has a population of less than 75,000. When the salaries of the public officials of ....County were fixed by the Fiscal Court before the first Monday in May of 1965, nothing was said about the jailer being authorized any deputies. I have read Funk vs Milliken, 317 S.W. 2d 499 (30). In that opinion the Court did not decide whether the County Court might authorize additional deputies after the first Monday in May of the election year.

> "My question is this: Does the present jailer have a right to appoint at least two deputies and a matron at this time?"

Speaking of KRS 64.530 and the Salary Act as a whole, Judge Cullen said this in Funk v. Milliken, Ky., 317 S.W. (2d) 499 (1958):

> "Considering the entire Act as a whole, we think the conclusion is inescapable that the legislature intended that both the number and the compensation of deputies be fixed by the fiscal court before the first Monday in May of the election year, and that if not so fixed the number and compensation will be limited by KRS 64.730 to that of the preceding term. In no other way can effect be given to the obvious purpose of the Act to prevent an increase in expenditures for deputy hire after election."

We believe KRS 71.060 and KRS 64.530 must be read together. Thus, the number and compensation of such deputies must be fixed by not later than the first Monday in May of the election year, and, if not so fixed, the number and compensation will be limited to that of the preceding term.

You have indicated by telephone, however, that .... County has had no deputy jailers or matrons in the past. We have held that where a county has had no deputy jailers in the past, the fiscal court could establish such salaries during the term of the jailer. See OAG 41,301, which is enclosed. It must be noted that under KRS 71.060 the jailer may appoint at least two deputies and a matron without the necessity for fiscal court approval; but the fiscal court does have the right to fix their compensations under KRS 64.530. Thus, we believe that your jailer may now appoint two deputies and a matron without the necessity for fiscal court approval; but the fiscal court has the authority to determine their compensations.

Your second question:

> "KRS 64.150 states that jailers shall be paid out of the County Treasury 'attending County and Quarterly Court per day not exceeding $6.00.' The present County Judge holds Quarterly Court three times each week in the courtroom. There has been no Court Order fixing any amount for the jailer to receive for attending County and Quarterly Court.
>
> "Would the Fiscal Court, at this time, be authorized to enter an order allowing the present jailer up to $6.00 per day for attending County and Quarterly Court meetings?"

We believe that the jailer is entitled to the $6.00 per day fee mentioned in KRS 64.150 for each day that the county or quarterly court is in open or actual session and the jailer is present at the direction of the court. OAG 64-537, of related interest, is enclosed.

Your third question:

> "...... County, Kentucky, which previously had eight magistrates, has now gone under the commission form of government. No person ran for the office of constable. Would the County Judge have the authority to appoint a constable or constables when we have no magistratial districts or justices of the peace? I have read Section 99 of the Constitution which provides that each justice's district shall have one constable.

Section 99 of the Kentucky Constitution provides in part that there shall be elected one constable from each justice's district. Though the county has switched to the commissioner form of government, and though the magistrate offices are vacant, it is our opinion that switching to the commissioner form of government does not eliminate the managerial districts in existence at the time of the change. Thus, under KRS 63.220 the county judge can appoint a constable to fill the constable vacancy existing in each magisterial district of your county, subject to the provisions of 152 of the Kentucky Constitution.

(See also C3:72-118)

Section C3

Opinions of the Attorney General

66-455 Since the Jailer is not authorized to take bail, the County Jailer may not take bail.

(See also C4: 4.07)

Section C3

Opinions of the Attorney General

66-479 The Attorney General replied as indicated to three questions given here:

(1) Does a Jailer need an order of release to turn out a prisoner when his time has been served?

"Opinion" Prisoner in county jail under sentence stands discharged by operation of law on expiration of sentence and should be released by jailer without further order from court.

The complete discussion follows:

KRS 71.040 provides in pertinent part that the jailer shall receive and keep in the jail all persons who are lawfully committed thereto until they are "lawfully discharged". When a prisoner's time has been served, that is, his sentence has expired, he stands discharged by operation of law. Therefore, when a prisoner's sentence has been served, including his term of imprisonment and satisfaction of any fine and costs at the appropriate rate, it is the jailer's duty to release him without any further order of the Court.

(2) If the judgment of conviction does not provide that the prisoner "serving time and fines" shall serve at hard labor, is the jailer permitted to place him on county work?

"Opinion" Prisoner in county jail under sentence may not be worked at hard labor unless judgment so provides:

The complete discussion follows:

KRS 431.140 is the Statute authorizing a judgment imposing hard labor in misdemeanor cases. Although the Statute is not most artfully worded and is somewhat ambiguous, we think it fairly mainfests the legislative intent that the question of whether a misdemeanor sentence shall be served at hard labor is one within the discretion of the jury or court making the determination of guilt. It is expressly provided in the Statute that when the hard labor provision is applied "a judgment shall be rendered directing that the defendant shall work at hard labor". Moreover, KRS 441.120 providing for the placing of a defendant in the workhouse or upon some public work applies by its very terms only when "a defendant is sentenced, pursuant to KRS 431.140 to work at hard labor". It is, therefore, our opinion that unless a judgment provides for work at hard labor, a county jailer has no authority to place a prisoner at work. Cf. Eldridge v Commonwealth, 87 Ky. 365, 8 S.W. 892, 10 Ky L.R. 176 (1888).

(3) By whose authority is the jailer to act or respond in sending out prisoners for work when hard labor has been provided?

Opinion: County jailer must act under direction of county judge in working prisoners at hard labor.

The complete discussion follows:

The last portion of KRS 441.120 relating to the working of prisoners reads as follows:

> "*The place of working such prisoners shall be determined by the county judge, and he shall enter an order* on the order book of the county court *specifying the manner in which such prisoners shall be worked*. The judge shall give preference to work on the roads of the county when the weather will permit." (Emphasis added.)

KRS 441.140 provides in full:

> "The county court may prescribe, by an order of record, regulations for the government of the workhouse and of prisoners sentenced to hard labor and those in charge of them, and shall prescribe the number of hours the prisoners shall work and how they shall be secured while at work and at other times."

Under the foregoing Statutes, a county jailer must act under the direction of the county judge in working prisoners at hard labor.

The final question is whether when a person is found guilty upon a public intoxication charge and given a fine of $100.00 and 30 days in jail, "nothing said as to hard labor," he can be worked for the improvement of county and taxpayers' property. The answer to this question is in the negative for the same reasons given under Que[illegible] 2.

(See also: OAG 62-938; OAG 63-60; OAG 64-739; OAG 70-329 (2)(3)).

Section C3

Opinions of the Attorney General

67-196 In 1967 the Attorney General was asked whether there is any spefific length of time a person must remain in jail before he may be released:

> It would obviously be improper to release on the public streets a drunken person to continue the offense of public drunkenness for which he was arrested in the first place. Such a person should not be released in any event unless he is released to the custody of a sober and discreet person capable of conducting him to his home or other place of safety, or until he has recovered from his inebriated state to an extent that he will no longer be a menance to himself or others if released. The delay necessary for this purpose would be a necessary delay withing the meaning of R. Cr. 3.02.

Section C3

Opinions of the Attorney General

68-344 In regard to medication for prisoners, the Jailer should retain control of all medicine and medicinal supplies. In the interest of the health of the prisoner and keeping order in the jail, the Jailer may supervise the taking of medication to the point of insuring that the medications are taken as perscribed by physician.

(See also OAG 1958-42,117; OAG 66-7; OAG 70-329(1).

Section C3

Opinions of the Attorney General

69-7 In counties with less than 75,000 population KRS 64.530 says that the fiscal court of each county shall fix the compensation of employees. If the fiscal court hires the jail employees they are county employees and are paid by the county. If the jailer himself employs a cook or other assistant then the fiscal court may set a salary If the fiscal court does not fix a salary the salary will come out of the excess fees. This was stated in OAG 69-7

69-174 The Attorney General was asked to give an opinion as to the power of arrest exercisable by a jailer and his deputies.

"Opinion" A Jailer is a peace officer (Sec B: KRS 446.010 (19)). As used in the statute laws of this state, unless the context requires otherwise:

* * * *

"(19)*'Peace Officer' includes sheriffs, constables, coroners, jailers, marshals, policemen and other persons with similar authority to make arrests..."

Thus under the statute cited, a jailer or his deputy may make an arrest:

1. In obedience to a warrant of arrest delivered to him, and
2. Without a warrant, when a public offense (felony or misdemeanor) is committed in his presence or when he has reasonable grounds for believing that the person arrested has committed a felony. (See Commonwealth v Vincent, 282 Ky. 95, 137 S.W. (2d) 1091 (1940).

It must be borne in mind that a jailer is a peace officer; and he or his deputies may make arrests as permitted by KRS 431.005(1). (Mullins v Commonwealth, 294 Ky. 593, 172 S.W. (2d) 211 (1943).

(*Effective January 1, 1975, KRS 446.010 was rewritten. Subsection (19) was renumbered subsection (24) with no change of wording.)

Section C3

Opinions of the Attorney General

70-329 The Attorney General replied as indicated as the four questions given here:

> (1) Does the jailer have the right to take a sick prisoner to the doctor, and who pays for the medical services?
>
> Opinion: If the prisoner is indigent, the county must pay for such services and transportation costs, subject to its ability to pay. While you have custody of the jail and prisoner under KRS 71.020, the county judge, if the prisoner is charged with a felony, has the authority to provide a guard or guards for this purpose, the cost of which is borne by the county. If the prisoner is charged with a misdemeanor, you can take him to the doctor, but the transportation cost must be borne by the county if the prisoner is an indigent. If he is not indigent, then he (the prisoner) must pay for such costs. See KRS 67.080(8) (Supp. 1968).
>
> (2) Does the jailer have a right to work prisoners, and how about guards?
>
> Opinion: When the punishment for a crime is a fine or jail imprisonment, and the defendant is a male, the jury or court (as the case may be) in its discretion can provide for hard labor. See KRS 431.140. If the judgment doesn't reflect the hard labor provision, you cannot work the prisoner. Where hard labor is authorized by the judgment, the working conditions and security must be determined by the county court under KRS 441.140.
>
> (3) Does the jailer have a right to make a prisoner a trusty and prescribe certain duties for him?
>
> Opinion: No. It is up to the county court to prescribe the work regulations if hard labor is authorized. If hard labor is not authorized, you can't work him at all. KRS 441.140.
>
> (4) Must the fiscal court pay the jailer's dieting fees upon proper presentation of the Jailer's claim for services rendered under KRS 64.150 (Supp. 1968)?
>
> Opinion: Yes. Here we refer to KRS 64.150(1) involving keeping and dieting prisoners in jail when confined for offenses other than a felony or contempt of court. It is a responsibility of the fiscal court to establish an appropriate budget item for such purpose.

Section C3

Opinions of the Attorney General

70-591 A Jailer is not authorized to compensate a Deputy Jailer for cooking services in the absence of a specific order of the Fiscal Court providing for the compensation of the Deputy Jailer pursuant to KRS 64.530.

Section C3

Opinions of the Attorney General

72-19 Subsection (5) of KRS 64.530 does not outline the conditions under which the number of Deputy Jailers may be changed.

Subsection (5) of KRS 64.530 prohibits the County Jailer from receiving any part of the Deputy Jailer's salary.

The number and compensation of Deputy Jailers appointed by the County Jailer must be fixed by the Fiscal Court not later than the first Monday in May of the year of the Jailer's election.

72-118

COMPENSATION OF OFFICERS AND EMPLOYEES - Fiscal court member (deputy jailers)
JAILERS - Compensation in counties less than 75,000; deputies, appointment, powers and removal.

> SYLLABUS: Fiscal court sets number and compensation of deputy jailers and matrons. Jailers select the persons by appointment.

In response to the question of who has the authority to establish the number and compensation of deputy jailers and matrons in counties of less than 75,000 population, the Asst. Attorney General replied on February 7, 1972:

KRS 71.060 contains provisions concerning the appointment of deputy jailers and matrons. However, KRS 64.530 is so broad as concerns county elected officers and their deputies, that it is our opinion under the latter statute, in counties of less than 75,000 population, that the fiscal court has the authority to establish, not later than the first Monday in May of the year of the election of the jailer, the number and compensation of the jailer deputies and matrons. The actual selection of such persons, once the number and compensation thereof has been determined by the fiscal court, is vested in the jailer. See Funk v Milliken, Ky., 317 S.W. (2d) 499 (1958); and Connors v Jefferson County Fiscal Court, 277 Ky. 23, 125 S.W. (2d) 206 (1939). See also OAG 66-105, copy enclosed.

Section C3

Opinions of the Attorney General

73-17 Juveniles - Detention of, jailer responsibility:

SYLLABUS: KRS 208.110, as amended in 1972, requires a peace officer when taking a child into custody to immediately notify the parent, or if the parent is not available, then a relative, guardian, or custodian of the child, giving reasons for detention and time of detention hearing. If not held in a detention facility provided for in 208.130, the child must be kept separate from adult prisoners both physically and communicatively.

In response to a request for an opinion regarding the taking into custody and detention of juveniles under KRS 208, the Atty. General replied on January 10, 1973:

KRS 208.110 as amended in 1972 requires a peace officer when taking a child into custody to immediately notify the parent, or if the parent is not available, then a relative, guardian or custodian of the child, that the child has been detained, giving an account of specific charges against the child, including the speific statute alleged to have been violated, the reasons for detention, and the time and place of the detention hearing. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, the officer shall release the child to his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court might desire. The written promise accompanied by the officer's written report shall be submitted to the court forthwith. A child sixteen years of age or older committing a moving vehicle violation shall be treated as an adult violator of such offense.

If for some reason the child is not or cannot be released as required above, the child must be taken without delay to the court or to the detention facility provided for in KRS 208.130. The latter section requires the fiscal court in each county to provide a suitable facility or facilities for the detention of children held in custody pending disposition of their cases. If the fiscal court does not provide a detention home it may arrange for the use of private or family homes.

KRS 208.120 prohibits detaining any child under 16 in any police station, lockup, jail or prison, except that on the basis of a hearing held for that purpose by the juvenile court judge, a child whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facility for children, may be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adult prisoners. To be entirely apart from adult prisoners there must be not only physical separation but also separation from communication with the adult prisoners. In addition, if at the same time both boys and girls are committed to a jail or other place where there are adult prisoners, there must be an additional separation of boys from girls. Before any jailer accepts a child under sixteen for detention where there are adult prisoners the jailer should have an order of commitment from the juvenile court judge, since this would usually be the only way the jailer could know that the hearing required by KRS 208.120 had been held.

(See also C3:74-752).

Section C3

Opinions of the Attorney General

73-469 Under KRS 64.530, the fiscal court is normally required to fix the number and salaries of deputies of county elected officers not later than the first Monday in May of the year of the election. However, if the county has had no deputy jailers in the past, the jailer could appoint a woman now as matron, except that it would be up to the discretion of the fiscal court as to a salary for the matron. (Refer also to KRS 71.060(2).

73-622 The expense of providing radio programming to jail prisoners is a "necessary expense" of the Office of Jailer and circuit and county judges could properly approve such expense payable out of the 75% account.

(The 75% account mentioned refers to KRS 64.350(1).

Section C3

Opinions of the Attorney General

74-752 The Attorney General replied as follows to questions regarding the establishment of a juvenile detention center on the 2d floor of the jailer's residence, and whether the keeper of the juvenile detention center will be the Jailer or someone else:

> Your problems were stated as follows:
>
> "Scott County does not have a juvenile detention center as required by law. The Scott Fiscal Court would like to convert the second floor of the jailer's residence into a juvenile detention center. The County Jail is attached to the first floor of the jailer's residence. If a juvenile detention center is built on the second floor of the jailer's residence and it is out of sight and sound of the jail, would the County then be complying with the regulations for a juvenile detention center....
>
> "The Fiscal Court does not have the finances to construct an entirely independent juvenile detention center, but it would like to comply with the regulations requiring each county to have a detention center.
>
> "Is the jailer the keeper of the juvenile detention center or is someone else appointed to keep the detention center?"
>
> KRS 208.120 deals with an exceptional detention of juveniles:
>
> "No child under sixteen(16) shall at any time be detained in any police station, lockup, jail or prison, except that, on the basis of a hearing for that purpose, by the juvenile court judge, a child whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facility for children may be placed in jail or other place of detention for adults, but in a room or ward entirely separate from adult prisoners."
>
> KRS 208.130 relates to a permanent county detention facility:

> "(1) The fiscal court of each county shall provide for a suitable facility or facilities for the detention of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.
>
> "(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.
>
> "(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.
>
> "(4) The department may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. The detention facilities may be subject to the supervision of the department and shall conform to rules and regulations prescribed by the department.
>
> "(5) Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained and each child detained in such facility shall be deemed to be under the jurisdiction of the court.
>
> "(6) The fiscal court of any county may arrange with the department for the use of its regional reception-diagnostic centers for those cases pending before the juvenile court of its county. The fiscal court is authorized to make such payments as agreed upon with the department for the use of the services and facilities. The use of the department's regional reception-diagnostic centers by the individual juvenile courts shall not give such juvenile courts jurisdiction over the department's regional reception-diagnostic centers."

Clearly each county is required to provide such temporary and permanent juvenile detention facilities. While KRS 208.120 deals with the exceptional situation, it is our belief that KRS 208.120 and KRS 208.130 should be read together. In so reading, two important aspects emerge: (1) The "entirely-separate from adult-prisoners" concept expressed in KRS 208.120 applies equally to the permanent detention facility covered in KRS 208.130, and (2) the exceptional situation facility of KRS 208.120 and the permanent facility dealt with in KRS 208.130 can be one and the same.

General Hancock, in OAG 73-17, copy enclosed, in emphasizing the separateness required for the exceptional facility, wrote that "To be entirely apart from adult prisoners there must be not only physical separation but also separation from communication with the adult prisoners. In addition, if at the same time both boys and girls are committed to a jail or other place where there are adult prisoners, there must be an additional separation of boys from girls." (Emphasis added).

While KRS 208.130 (3) speaks in terms of a "detention home" or the use of "private or family homes", it is our opinion that the legislature did not intend that the permanent detention facility be necessarily in a building distinctly separate and apart from a jail building. In other words they did not intend that facility must be a distinctly independent and separate building. If they had so intended they could have so easily used language to spell that out.

The case of Skeans v Vanhoose, Ky., 512 S.W. 2d 520 (1974) involved the placing in a county jail of a 13 year old girl. The court held:

> "It is the opinion of the court that under the provisions of KRS 208.120 and 208.130 there is no legal authority for the detention of a 13-year old child in any portion of a county jail that is not physically separated from sight and sound of all other portions of the jail."

Subsection (4) of KRS 208.130 provides in part that the detention facilities may be subject to the supervision of the department (formerly Child Welfare, now Bureau for Social Services), and shall conform to the rules and regulations prescribed by the department. The Bureau for Social Services has informed us that presently there are no regulations on file with L.R.C.

In summary we conclude: (1) KRS 208.120 and 208.130 should be read together or in pari materia, since they concern the same subject matter: juvenile detention. See Indiana Truck Corporation v Hurry Up Broadway Co., 222 Ky., 521, 1 S.W. 2d 990 (1928) 991, holding that all statutes relating to the same subject should be construed together such that effect may be given to all of the provisions of each. (2) The requirement of KRS 208.120 that the juvenile detention facility be separate from adult prisoners applies equally to the permanent detention facility under KRS 208.120, which your questions concern. See Skeans, above. In Skeans the court clearly applied the "separateness" doctrine to both the temporary (208.120) and the permanent (208.130) detention facility. (3) If your propsed permanent detention center (where boys and girls are separated), to be constructed on the second floor of the county jail per the architect's drawings, is in reality not an integral part of the county jail system and physically separates such juveniles placed therein from the sight and sounds of all other portions of the jail, and if the detention area is indeed a separate and independent unit as concerns the rest of the jail, then we believe that such a center would substantially conform to KRS 208.120 and 208.130, as interpreted by the Court of Appeals.

The point is that the sensory perception of the juvenile must not connect the juvenile area with the regular adult area vis-a-vis sight, hearing, smell, or touch. This also means that the possibility of any communication with regular jail prisoners must be eliminated.

The declared purpose of a permanent detention facility is "detention of children held in custody pending disposition of their cases by the juvenile court." KRS 208.120 (1). Mr. Jack Smith, Jr., in his note in 59 K.L.J. 719, wrote at p. 741;

> "It is well known that children often receive their first real contact with hardened delinquents or adult criminals while awaiting trial. Experiences in jail may create impressions impossible to erase. That the prevention of such contact was the evident goal of the legislature is supported by pre-existing statutory provisions. KRS 208.120 specifically provides that no child under 16 years of age shall be detained in jail, 'except on the basis of a hearing for that purpose.' The Kentucky Crime Commission has found that both the above described provisions of KRS Chapter 208 are almost universally ignored. Permanent detention homes have been established in only four counties. In the other 116 counties, jail is usually the only facility for detention, though some effort is usually made to segregate juveniles from adults."

Finally, you ask whether the keeper of the juvenile detention center will be the jailer or someone else.

Under KRS 71.020 the county jailer has the custody of the jail in his county and of all persons in the jail. KRS 71.040 provides in part that the jailer shall receive and keep in the jail all persons who are lawfully committed thereto, until they are lawfully discharged. However, we believe KRS 208.130(1) is controlling in this situation. It reads:

> "(1) The fiscal court of each county shall provide for a suitable facility or facilities for the detention of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof."

We think the responsibility for placing someone in charge of this permanent detention facility, even though it may be located in the building which contains the county jail, is left up to the fiscal court. Thus we do not believe that the county jailer has any statutory duty to assume the custodial role as the keeper of the permanent detention facility. However, the fiscal court could contract with the jailer or anyone else deemed suitable to assume this custodial function. Note, in passing, that the jailer in your county is superintendent of county buildings at the county seat for janitorial purposes.

The logic behind the separateness (separate from the county jail system) of the permanent detention facility concept as expressed in KRS 208.130 was set forth by District Judge Allen in Baker v Hamilton, (U.S.D.C.,W.D. Ky.) 345 F. Supp. 345 (1972) 351, in the factual context of juveniles being placed in the Jefferson County jail. He pointed out that under Chapter 208 the "primary concern of the legislature was that children under the age of eighteen should be treated differently from adults who have committed crimes." (Emphasis added). He noted that under KRS 208.110 (1) children are not entitled to bail. He said that "throughout the statutes are found references to the welfare of the child," and other statutes emphasize the rehabilitation, training, and education of juvenile delinquents. (Emphasis added). He observed that the Supreme Court of the United States in In re Gault, 387 U.S. 1, 87 S. Ct. 1428, 18 L.Ed. 2d 527 (1967), held that where a dispositional hearing is held for a juvenile which may result in his confinement to a juvenile institution, the juvenile is entitled to written notice of the hearing, and right to counsel, although under McKeiver v Pennsylvania, 403 U.S. 528, 91 S. Ct. 1976, 29 L.Ed. 2d 647 (1971), the juvenile is not entitled to a jury trial where his commitment will be to a juvenile facility. Judge Allen took note that the Jefferson County jail is a penal institution designed primarily for punishment rather than rehabilitation.

Judge Cullen, in Baker v Smith, Ky., 477 S.W. 2d 149 (1972), expressed the Kentucky judicial philosophy concerning the operations of the juvenile court at p.150:

> "*The concern of the juvenile court is with the welfare of the children and the court in holding a child in custody may be considered as exercising substituted parental control, to which the law always has recognized children are subject*." (Emphasis added).

See also the article of Montimer J. Stamm, "Transfer of Jurisdiction in Juvenile Court", 62 K.L.J. 124, on the point as to the unique character of juvenile offenders in Kentucky.

Under the foregoing authorities and analysis it is clear that the juvenile offender under the jurisdiction of the juvenile court is a person not to be mixed up with adult offenders and prisoners in a county jail. For these reasons we conclude that the employing of a custodian for the subject detention facility is a matter for the fiscal court. Such facility may, however, be subject to the supervision of the Bureau of Social Services pursuant to KRS 208.130(4). At present there are no effective rules and regulations of the Bureau on file with L.R.C. as provided by KRS 208.130(4). The detention facility and juveniles detained therein are under the jurisdiction of the juvenile court.

Section C4

RULES OF CRIMINAL PROCEDURE

3.02 APPEARANCE BEFORE THE MAGISTRATE. (1) An officer making an arrest under a warrant issued upon a complaint shall take the arrested person without unnecessary delay before a magistrate as commanded in the warrant. If the arrest is made in a county other than that in which the warrant was issued and the arrested person is not taken as commanded in the warrant, he shall be taken before a magistrate of the county in which the arrest is made, who shall admit him to bail for his appearance before the proper magistrate to whom the bail bond and other papers may be transmitted by mail. If the offense is nonbailable, or if the person arrested is unable to give bail, the magistrate shall commit him to jail and he shall be taken as commanded in the warrant within a reasonable time by an officer of the county in which it was issued. (2) Any person making an arrest without a warrant shall take the arrested person without unnecessary delay before a magistrate. If the magistrate before whom the arrested person is taken is in a county other than the county in which the offense was committed, the magistrate shall proceed as directed in subsection (1) as on an arrest under warrant in a county other than that in which the warrant was issued.

3.18 ORDER OF COMMITMENT, BAIL. If the defendant is committed to jail, the magistrate shall make out a written order of commitment, signed by him, which shall be delivered to the jailer by the peace officer who executes the order of commitment. If the offense is bailable, the magistrate must fix the sum for which bail is to be given and enter it upon the order of commitment. Thereafter, the bail shall be taken by the clerk of the court in which the defendant is held to appear.

4.07 OFFICERS AUTHORIZED TO TAKE BAIL. When the amount of bail has been fixed and endorsed on the warrant of arrest as authorized by R Cr 2.06(3) or R Cr 6.54, it may be taken by the clerk in the court in which the defendant is held to appear, or by a sheriff or deputy sheriff making the arrest. The coroner of any court in which the office of sheriff is vacant may take bail whenever the sheriff could have done so. The officers herein mentioned shall be responsible for the sufficiency of bail taken by themselves or their deputies. (See also C3:66-455).

Section C4

RULES OF CRIMINAL PROCEDURE

10.02 MOTION FOR NEW TRIAL.

(1) Upon motion of a defendant, the court may grant a new trial for any cause which prevented the defendant from having a fair trial, or if required in the interest of justice. If trial was by the court without a jury, the court may vacate the judgment, take additional testimony and direct the entry of a new judgment.

(2) No later than ten days after return of the verdict, the court on its own initiative may order a new trial for any reason for which it might have granted a new trial on motion of a defendant, and in the order shall specify the grounds therefore.

Section C4

RULES OF CRIMINAL PROCEDURE

11.04 CONTENTS AND ENTRY OF JUDGMENT. (1) A judgment of conviction shall set forth the plea, the verdict or findings, the adjudication and sentence, a statement as to whether the defendant is entitled to bail, the amount of bail, the amount of bail and the day of the execution of a death sentence, which shall be at least thirty days after the entry of the judgment. If two or more sentences are imposed, the judgment shall state whether they are to be served concurrently or consecutively. (3) The judgment shall be signed by the judge and entered by the clerk.

11.22 EXECUTION OF JUDGMENT. If the judgment imposes a sentence of death or confinement in the penitentiary, county jail, or other institution, two certified copies thereof shall be furnished forthwith to the sheriff who shall execute the same by delivering the defendant and a certified copy of the judgment to the person in charge of the institution of confinement and filing a written return thereof in the office of the clerk of the court within ten days after the execution.

4.24 SURRENDER OF PRINCIPAL; EXONERATION.

(1) At any time before forfeiture, any surety may procure a certified copy of the bail bond which shall authorize him or any peace officer to whom it is presented to arrest the principal in any county within the Commonwealth and deliver him and the certified copy of the bail bond to the jailer in the county in which the prosecution is pending. The jailer shall acknowledge the surrender in writing.

(2) Upon presentation of the writing executed by the jailer, the court before which the defendant has been held to answer shall, after five days notice to the county attorney order that the surety or sureties by exonerated from liability on the bond or recognizance and that any money or bonds that have been deposited as bail be returned to the person making the deposit.

SECTION D

D1	Kentucky Legal Information Service (KLIS)	D-2
D2	Kentucky Jailers Association (KJA)	D-3
D3	The National Sheriffs' Association (NSA)	D-4
D4	Jail Operations Training Course	D-5
D5	Jail Management Training Course	D-7
D6	Jail Consultant Service (JCS)	D-8
D7	Bureau of Training (BOT)	D-12

Section D1

Kentucky Legal Information Service

KLIS

The Kentucky Legal Information Service is a research service within the Bureau of Training for all elements of the State Criminal Justice System. KLIS makes the criminal law research facilities of the University of Kentucky Law Library readily available to judges, prosecutors, jailers, other law enforcement officials, and attorneys throughout the state. The primary services include:

1. Answering of criminal law reference questions;
2. Supplying of photocopies of cases, statutes, and other legal material (free to prosecutors, judges, jailers, law enforcement officials and public defenders).
3. Loaning of books, reports, pamphlets, and tape cassettes;
4. Preparation of bibliographies.

The Service maintains a toll-free line 24 hours per day to take incoming calls. Telephone requests during night and weekend hours are recorded and receive action at the earliest opportunity. Phone numbers of staff members are provided by taped message for those needing information promptly.

You may dial the Service toll-free from anywhere in Kentucky at 1-800-432-9529. When calling within Lexington, dial 258-5931.

Section D2

Kentucky Jailers Association

The Kentucky Jailers Association, founded in 1956, is registered with the Secretary of State, Commonwealth of Kentucky. The Association is a voluntary organization of county and city Jailers offering consultation services on all aspects of jail operations and management. Legislation concerning jails is of particular concern to the Association.

Officers include a President, Vice President, Secretary-Treasurer, and a Master-at-Arms. There is also a Board of Directors. Election of officers takes place at an annual meeting of the membership. Other meetings are held as needed. The location of the elected President is regarded as the Association headquarters.

Section D 3

The National Sheriffs' Association

Founded in 1940, the NSA now has more than 42,000 members in all U.S. States and territories. With offices in Washington, D.C., the NSA maintains liaison with agencies of the federal government. Through state directors and states sheriffs' associations, communication is maintained with local and state governmental leaders and educational institutions.

This dialog enables the NSA to keep its members informed of changes in methodology and ideology through the Association's official bi-monthly magazine, THE NATIONAL SHERIFF, the Annual Informative Conference which begins yearly upon the third Sunday in June, and through other publications and seminars. An example is the set of monographs on jail operation which was recently mailed to every American Sheriff. (Additional copies may be purchased from the NSA at nominal cost.)

Various programs of insurance are available to members. These include group life, accidental death, dismemberment, and loss of sight, hospital cash, and the Comprehensive Professional Liability program which can protect individuals, departments, cities and counties as governmental units, and all others who are involved directly or indirectly in any facet of the criminal justice system. Protection can be purchased either in the basic package or in the amount of $1,300,000, for those who wish to be protected against excess loss. The indemnification amount is in addition to all costs for defense.

Sheriffs who are in the first term of office are eligible for attendance at the National Sheriffs' Institute, a two-week program of comprehensive training in management techniques.

In summary, the NSA exists solely to serve administrators and practitioners within the American Criminal Justice System. Contact Ferris E. Lucas, Executive Director, National Sheriffs' Association, 1250 Connecticut Avenue, Washington, D.C. 20036, or telephone 202-872-0422, for further information.

The monographs mentioned were published in 1974:

Jail Programs
Inmates' Legal Rights
Food Service in Jails
Sanitation in the Jail
Jail Administration
Jail Security, Classification and Discipline
Jail Architecture

As of August 1975, these monographs were priced at $1.25 each, or $7.00 for the entire set.

Section D 4

Jail Operations Training Course

The U.S. Bureau of Prisons, in cooperation with the University of Wisconsin and the Law Enforcement Assistance Administration, has developed two training courses; one for jail officers and another for jail administrators. These courses represent the contributions of knowledgeable persons in corrections, jail administration, medicine, and mental health. The courses are based on an identification and evaluation of training needs, a precise formulation of instructional objectives and the establishment of specific training methods.

Each course may be taken on an independent study basis, also referred to as programmed instruction or programmed learning. The course materials are available from the Superintendent of Documents, Customers Service Section (C), Government Printing Office, Washington, D.C. 20402. The listing following this page contains the titles of each course; the titles of each of the six books in each course, the stock number of each book, and the price of each book as of June 1975. A special discount of 25% is allowed to purchasers of 100 or more copies of a single publication mailed to one address.

Programmed learning differs from the more conventional methods of teaching in several respects. It is, in the first instance, an individual learning process in which the student accepts a measure of responsibility for his own learning and proceeds at his own rate. It requires an active response from the student and provides immediate confirmation of results. It ensures that the student is more often successful, and is thereby motivated. Finally, the subject matter is programmed in such a way that the student's learning (behavior) is shaped in a particular manner. (This description is taken from C.C. Thomas, et. al Programmed Learning In Perspective, Educational Methods, Inc., Chicago, Illinois, 1963, Page 11).

It should be kept in mind that this independent study material has not been designed for classroom use.

The courses are designed so that the student should take the jail officers' course before taking the course for jail administrators.

Upon enrollment each student should have all six books of the course in which he enrolls. He may then proceed to read each book at his own speed. When he has completed the six books the student should be prepared to take a final examination. Successful completion of the examination entitles the student to a certificate indicating completion.

The Jail Consultant Service, Division of Community Services, Bureau of Corrections will arrange for the examination for any Jailer, Deputy Jailer, or Matron who completes one or both courses. Contact should be made with the Area Jail Consultant Service.

The course titled Jail Operations: A Training Course For Jail Officers is made up of six sections, each of which is covered by a separate book. The titles are:

		STOCK NO.	UNIT PRICE
Book 1	Correctional History	2705 00006	$ .90
Book 2	Jail Operations	2705 00007	2.10
Book 3	Jail Climate	2705 00008	.95
Book 4	Supervision	2705 00009	1.60
Book 5	Discipline	2705 00010	.85
Book 6	Special Prisoners	2705 00011	1.10

Section D 5

Jail Management Training Course

Refer to Sec D4 for information regarding the origin, purpose, and method of the two independent study courses developed by the U.S. Bureau of Prisons in cooperation with the University of Wisconsin, and for details of the first course titled Jail Operations: A Training Course For Jail Officers.

The title of the second course is Jail Management: A Course For Jail Administrators. It consists of six books with the following titles:

1. Management of Jail Operations
2. Personnel and Fiscal Management
3. Jail and Community Corrections Programs
4. Community Relations
5. Legal Problems
6. Jail Planning

Section D6

Jail Consultant Service

History of the Jail Consultant Program

In the absence of significant standards for the office of Jailer and the operation of jails in Kentucky, the Bureau of Corrections initiated a program to "upgrade local correctional facilities" and to develop state-wide minimum standards for the construction of and operation of city and county jails. The program was funded on the premise that Kentucky's 119 county jails are the first phase of the correctional process and, as such, significantly influence the attitudes of the offender toward corrections and the community.

The goal of the program is to provide assistance to local correctional authorities in achieving and maintaining a correctional environment that will promote the just treatment and rehabilitation of offenders while maintaining the security measures necessary for protecting the community. Initially the program consisted of three professionals to serve as Consultants to Jailers and County Judges. The Consultants visited jails, preparing evaluation reports and providing technical assistance and advice in matters of security, safety, and health. Additionally these men held regional training seminars, assisted officials in applying for improvement funds, and made recommendations for legislative change.

The Jail Consultant Program has expanded from three positions to seven. There are now five districts throughout the state, a Deputy Jailer Administrator, and Chief Jail Consultant stationed in Frankfort in the Central Office of The Bureau of Corrections.

Impact

Since the inception of the program, Jail Consultants have worked with local Jailers to establish minimum security and sanitation standards for their jails. The meeting of the standards is now resulting in the funding of deputy jailers for those jails.

New Legislation

In 1974 the Kentucky General Assembly enacted legislation establishing standards for construction of new jail facilities. Briefly summarized, the law requires all construction be in accordance with standards established by the Bureau of Corrections, Bureau of Health Services, and the State Fire Marshall. Final authority for approving construction plans and changes in those plans rest with the Bureau of Corrections. The regulatory action of this legislation is implemented through the Jail Consultant Program.

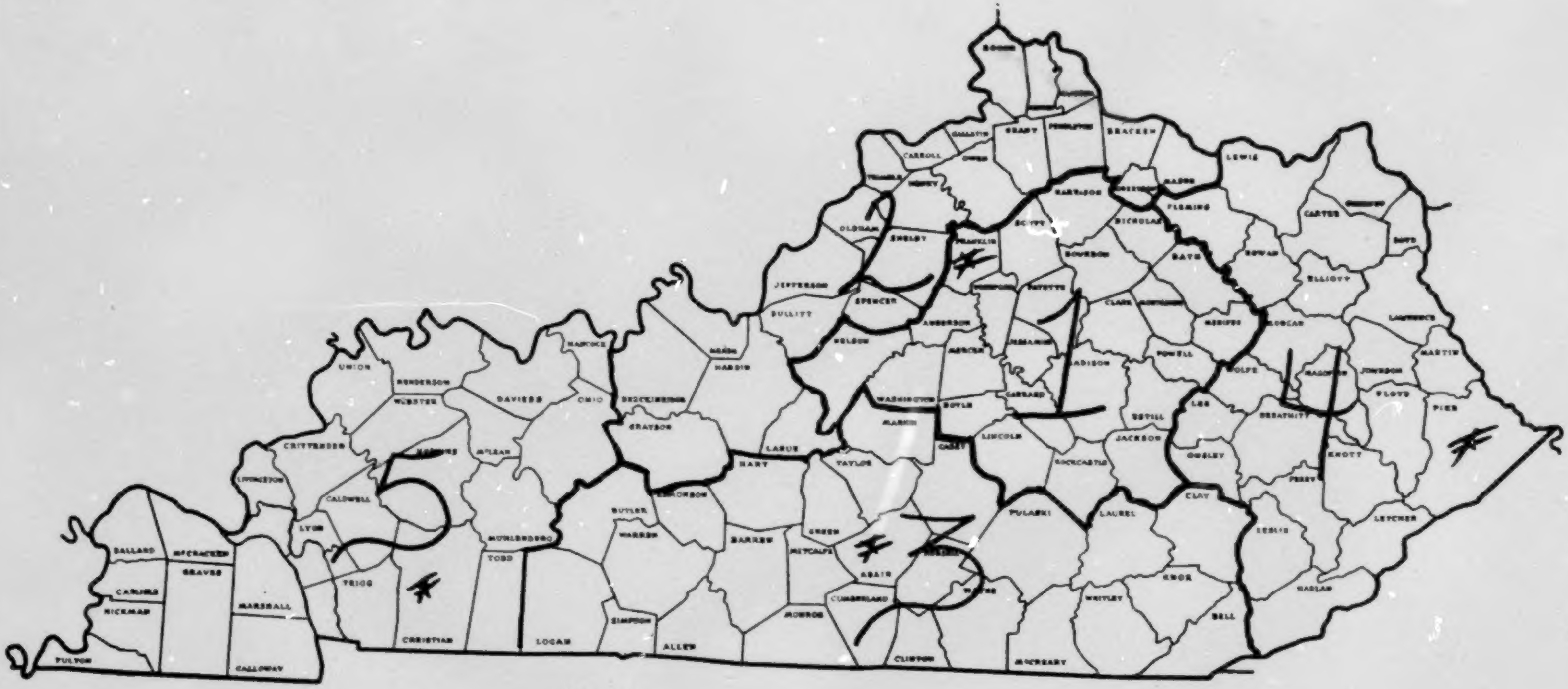
New Direction

The Jail Consultant Program is continuing to expand in 1974 and 1975. A new Deputy Jailers Program will be administered by the Office of Jail Consultants. This program will supply salaries for Deputy Jailers to be placed in counties without first or second class cities, whose jails meet the minimum standards of security, safety, health and training. The program will provide relief to jailers from duties which demand attention twenty-four hours a day, seven days a week, and will allow for more training opportunities and improve the quality of treatment and jail operations.

DIRECTORY OF JAIL CONSULTANT SERVICE

Chief Jail Consultant Telephone: (502) 564-4726	Joe L. Barbee Bureau of Corrections State Office Bldg. Frankfort, Kentucky 40601
Jail Consultant Central District Telephone: (606) 623-3297	Edgar Estes Madison County Courthouse Richmond, Kentucky 40475
Jail Consultant Eastern District Telephone: (606) 432-2533 ex. 60	Charles Keesee P.O. Box 568 Pikeville, Kentucky 41501
Jail Consultant Northern District Telephone: (502) 564-4726	LeRoy J. Porter Bureau of Corrections State Office Bldg. Frankfort, Kentucky 40601
Jail Consultant Southern District Telephone: (502) 384-3551	Doug Sapp P.O. Box 85 Columbia, Kentucky 42728
Jail Consultant Western District Telephone: (502) 886-1430	Ronald E. Scruggs P.O. Box 409 Hopkinsville, Kentucky 42240

JAIL CONSULTANT DISTRICTS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GREENUP
CARTER
BOYD
OLDHAM
SHELBY
FRANKLIN
SCOTT
BOURBON
NICHOLAS
BATH
ROWAN
ELLIOTT
JEFFERSON
SPENCER
WOODFORD
FAYETTE
CLARK
MONTGOMERY
MENIFEE
MORGAN
LAWRENCE
BULLITT
ANDERSON
NELSON
MERCER
JESSAMINE
MADISON
POWELL
WOLFE
MAGOFFIN
JOHNSON
MARTIN
MEADE
HARDIN
HANCOCK
UNION
HENDERSON
DAVIESS
OHIO
BRECKINRIDGE
WASHINGTON
BOYLE
GARRARD
ESTILL
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BREATHITT
FLOYD
PIKE
WEBSTER
McLEAN
GRAYSON
MARION
LINCOLN
JACKSON
CRITTENDEN
HOPKINS
LARUE
HART
TAYLOR
CASEY
ROCKCASTLE
OWSLEY
KNOTT
PERRY
LIVINGSTON
CALDWELL
EDMONSON
PULASKI
LAUREL
CLAY
LYON
BUTLER
WARREN
MUHLENBERG
GREEN
LESLIE
LETCHER
BALLARD
McCRACKEN
GRAVES
TRIGG
TODD
BARREN
METCALFE
ADAIR
RUSSELL
KNOX
CARLISLE
HICKMAN
MARSHALL
CUMBERLAND
WAYNE
WHITLEY
BELL
HARLAN
CHRISTIAN
LOGAN
SIMPSON
ALLEN
MONROE
CLINTON
McCREARY
FULTON
CALLOWAY

1 - Central District

2 - Northern District

3 - Southern District

4 - Eastern District
5 - Western District

Section D7

Bureau of Training

The Bureau of Training of the Kentucky Department of Justice conducts extensive and intensive training programs for persons engaged in the criminal justice system. In 1975 the Bureau assumed responsibility for designing and implementing training programs for Kentucky Jailers and members of their staffs.

Kentucky Jailers Basic Program: A forty hour basic program was presented twice in May 1975 at the Bureau of Training facilities, Begley Building, (Box 608), Eastern Kentucky University, Richmond,Kentucky. While that program was primarily for those counties involved in the Deputy Jailers Subsidy Program, which is administered by the Jail Consultant Service, Division of Community Services, Bureau of Corrections, other county and city jail personnel also participated. In the event the program is given again, notice will be sent to all counties either directly or through the Area Jail Consultants.*

Kentucky Jailers On-Site Workshops: A series of 3-day workshops for Kentucky Jailers and members of their staffs began in May, 1975, with the last scheduled for mid-August 1975.

These sessions were presented in the field to allow Jailers to attend without distant driving and to provide them the ability to return to their jail each afternoon. Round trip mileage, road tolls, and luncheons were provided for the Jailer for each of the workshop days. A Certificate of Achievement was awarded each person completing a workshop.

The curriculum presented was a condensation of the previous one week Basic Training Program. Topics selected in advance by the participants were included in the program. The major goals of the onsite 3 day Workshops:

1. To inform the Jailer and his staff of the Revised Kentucky Criminal Code as it affects the management and operation of the jail.
2. To acquaint the Jailer with the new Department For Human Resources inspection procedure and its goals.

*Also presented in September 1975.

3. To present for consideration a series of standardized forms for use in admission, discharge, and medical procedures, as well as for the recording of a brief social history to include the behavioral pattern of the individual.

4. To advise of the books and pamphlets available from the U.S. Bureau of Prisons, The National Sheriffs' Association, the American Bar Association, and other organizations providing leadership and guidance in jail operations and management.

5. To improve communication between the Jailer, the Court, the prosecutor, the prisoner and the community.

6. To provide the Jailer with current information on modern food service practice, and resources for improving meals for prisoners. This includes a basic cycle menu, food purchasing, storage, preparation, and special diets.

7. To allow the Jailer an opportunity to discuss his experiences, feelings, and methods with other Jailers in his area, as well as with specialists in corrections, health, law, and social services.

8. To allow the Jailer to review and become involved with the Kentucky Jailer's Association in its effort to upgrade the jail services in Kentucky.

Additional on site workshops will be presented in 1976 over the Commonwealth. For information on this program, contact: William E. Bain, Instructor-Coordinator, Division of Corrections Training, Bureau of Training, Box 608, Eastern Kentucky University, Richmond, Kentucky 40475. Telephone (606) 622-1123; KATS number 564-6665.

SECTION

E

STANDARDS

E1 Jail Construction and Renovation, Bureau of Corrections Directive No. 50. E-2

E2 Standards For Dental Services Bureau For Health Services (BHS) E-6

E3 Standards For Health Care in Kentucky Confinement Facilities, Department For Human Resources (DHR). E-11

E4 Environmental Standards in Kentucky Confinement Facilities, Bureau For Health Services (BHS). E-21

E5 Deputy Jailers Subsidy Program, Bureau of Corrections Directive No. 58. E-29

SPECIAL NOTE

Sections E2, E3, and E4 contain the proposed regulations as prepared by the Department For Human Resources.

At the time this Manual went to press the regulations had not been published.

Until such time as the regulations have been approved by the Secretary, Department For Human Resources and processed through the Legislative Research Commission, they should be regarded as guidelines only.

Upon publication a copy of the regulations will be sent to all jailers in the Commonwealth.

E1

STANDARDS
FOR
JAIL CONSTRUCTION
AND
RENOVATION

BY

BUREAU OF CORRECTIONS
DEPARTMENT OF JUSTICE
(BOC Directive No. 50)

E-3

ADMINISTRATIVE REGULATIONS

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF JUSTICE
BUREAU OF CORRECTIONS

DIRECTIVE NUMBER 50
2-19-75

PAGE NUMBER
1 of 3

SUBJECT:
Proposals for Jail Construction and Renovation

I. PURPOSE

The purpose of this proposal is to set forth procedures for jail construction and renovation in the Commonwealth of Kentucky pursuant to KRS Chapter 441.

II. GOAL

The goal of this program is twofold. First, it will regulate the construction and renovation of all local jail facilities as part of overall Criminal Justice Planning. Second, it will insure minimum standards for the health and welfare of people confined in such facilities.

III. POLICY

All new jail construction for jail renovation projects will follow the process herein described:

A. The decision to build a new facility for adults will be the result of a planning process that reviews current correctional needs and priorities. This process will assess existing facilities and programs in light of immediate needs and priorities, examine all possible alternatives and identify a clear and unequivocal role for the new facility. The process will consider corrections as part of the broader human services network and as an integral part of the Criminal Justice System.

B. After the establishment of a clear and identifiable need for a new facility, its planning and design will include the Jail Consultants and other corrections personnel as well as civic groups and religious leaders.

C. Emphasis will be placed on the correctional role, type of inmate population, geographic area to be served and its relationship to community-based transitional programs.

IV. PLAN SUBMISSION AND REVIEW

A. Four copies of the working drawings on all new and renovative construction of city and county detention facilities will be required. They must then be sent from the local health department to the plumbing program of the Department for Natural Resources and Environmental Protection. An abbreviated set of plans will be submitted directly to the State Fire Marshal's Office by the architect or chief designer at the same time the four sets of plans are submitted to the local health department.

B. To assure that the facilities will meet the minimum standards set forth by the Bureau of Corrections as well as other state regulatory agencies, the proposed plans will be reviewed by:

1. Department for Natural Resources and Environmental Protection
2. Department for Human Resources
3. State Fire Marshal

C. Following approval by the above agencies, the plans will be forwarded to the Office of Jail Consultants, Bureau of Corrections, where within 30 days they will be thoroughly examined. The Office of Jail Consultant Services will be responsible for arranging a meeting of the following:

1. Commissioner, Bureau of Corrections
2. Deputy Commissioner of Community Services
3. Director of Probation and Parole
4. Probation and Parole District Supervisor
5. Coordinator of Community Treatment
6. Director of Education
7. Coordinator of Custody
8. Community Services Officer

The meeting will solicit the recommendations of the above officials and others involved with local corrections.

D. Following approval of the Bureau of Corrections, three sets of plans will be returned to the Division of Plumbing, Department for Natural Resources and Environmental Protection.

V. APPROVAL

Upon approval of the Bureau of Corrections, a letter will be signed by the Chief Jail Consultant and the plans will be stamped "approved" prior to being forwarded back to the Department for Natural Resources and Environmental Protection. They will then return the approved plans to the local health department in compliance with procedures established for public buildings. Should there be any question by any party regarding the programs in the Department for Human Resources and/or the Department for Natural Resources and Environmental Protection, the matter will be discussed and an acceptable decision arbitrated.

VI. CONSTRUCTION STANDARDS

Standards will be furnished by the Jail Consultants' Office, Bureau of Corrections, to any interested party which will establish guidelines for new construction or renovation.

E2

STANDARDS
FOR
DENTAL SERVICES
IN
KENTUCKY CONFINEMENT FACILITIES

BY

BUREAU FOR HEALTH SERVICES
THE DEPARTMENT FOR HUMAN RESOURCES

STANDARD 1

A well defined program for dental health care shall exist within every facility to meet the needs of all residents as is feasibly possible.

a. By written policies and procedures outlining the types of dental treatment provided, the means by which it can be provided and the resources to be utilized.

STANDARD II

Dental Services shall be provided all residents in order to maximize their general health.

a. By correcting existing dental problems.

b. By maintaining daily oral hygiene.

c. By making it an integral part of the total program.

STANDARD III

Dental services within each facility shall be rendered and directed by a licensed dentist member of the medical staff.

STANDARD IV

The Director of dental services shall be a fully licensed dentist who is a member of the active or consulting medical staff. He shall be responsible for the conduct of the dental services and for the quality of the professional dental care of residents within each facility.

STANDARD V

All dentists providing services to the facility shall adhere to the Code of Ethics published by the American Dental Association.

STANDARD VI

All dentists working within a facility shall be member of their local, state, and national dental organizations.

STANDARD VII

There shall be available sufficient and appropriately trained supporting staff, to carry out the dental services program.

a. Ideally there should be:

1. Dentist who is fully licensed to practice in the state.
2. Dental Hygienist - fully licensed
3. Dental Assistants - these should be certified by the American Dental Assistants Association or enrolled in a program leading to certification.
4. Dental health educators who promote and supplement the proper daily dental hygiene of residents through supervised preventive programs.

STANDARD VIII

There shall be adequate space, facilities, equipment and instruments to meet the professional, educational, and administrative needs of the dental service as well as the dental needs of the residents.

a. Adequate space should be such that:

1. There is approximately 80-100 square feet for each operating unit.
2. An area for reception of residents.
3. An area for patients charts and other business.
4. An area to show educational aids to the residents.
5. Adequate equipment as each facility may need to provide basic dental care.

STANDARD IX

The dental services within a facility shall have written policies and procedures delineating functions and services provided.

a. These are for the purpose of acquainting facility personnel with dental services available, making appointments for residents, the handling of dental emergencies.

STANDARD X

A permanent dental record shall be maintained for each resident, and records of all dental services provided shall be made a part of the patient's medical record.

a. At the time of dental examination a dental treatment plan or dental needs of the individual shall be noted on the patients progress notes sheet in his medical chart as well as on the Dental Chart maintained in the Dental Clinic.

b. Any dental treatment provided shall also be made a part of the Progress Notes for that day.

STANDARD XI

There shall be arrangements to provide consultation services in the various dental specialities. A written plan shall be established for the referral of these consultations.

a. When consultation by a dental specialist is needed, the facility dentist will make such arrangements as dictated by his knowledge of those professionals in his geographic area.

STANDARD XII

Each facility shall provide provisions for the daily oral care of each resident.

a. Provisions are:

1. Toothbrushes, toothpaste, electric toothbrushes, oral irrigating devices.
2. Denture cups, denture cleaning brushes, and dentifrices.

STANDARD XIII

Each Dental Service shall establish a comprehensive preventive dentistry program for residents which shall include inservice training of living-unit personnel in providing proper daily and health care for residents.

a. These include:

1. Fluroidated water supply
2. Typical fluoridation of teeth
3. Periodic oral prophylaxis
4. Supervised programs of daily oral care
5. In-service training of staff to monitor this program
6. Diet in a form to stimulate chewing or otherwise improve health.

STANDARD XIV

All members of each facility's dental service shall maintain a standard of knowledge through the attendance at continuing education courses as sponsored by their respective groups. Each member should use discretion and logic in the selection of these courses.

STANDARD XV

All dental facilities shall be free of architectural barriers for physically handicapped residents.

a. The dental services should be easily accessible to a resident regardless of any disabilities. There should be nothing of a physically constructed nature that might cause the resident harm.

SECTION 3

PROPOSED STANDARDS FOR
HEALTH CARE
IN
KENTUCKY CONFINEMENT FACILITIES

Draft
February 3, 1975

E3

STANDARDS
FOR
HEALTH CARE
IN
KENTUCKY CONFINEMENT FACILITIES
BY
THE DEPARTMENT FOR HUMAN RESOURCES

E-13

DEPARTMENT FOR HUMAN RESOURCES
Bureau for, Health Services

Relates to KRS 211.920 to 211.945
Pursuant to KRS 13.082, 194.050, 211.090 (1) (c) and 211.925.

Necessity and Function: KRS 211.920 to 211.945 authorizes the Department for Human Resources to adopt rules, regulations, and standards relating to the public health or health aspects of the operation of state and local confinement facilities. This regulation establishes standards to control the medical and environmental aspect of the health of persons confined in state and local confinement facilities.

A new regulation of the Department for Human Resources is created to read as follows:

Section 1. Definitions. The following definitions shall apply in the interpretation and enforcement of these standards:

Categories of Institutions

Type I	Large state institutions (Kentucky State Penitentiary and Kentucky State Reformatory)
Type II	Small state institutions (All other state adult institutions)
Type III	Large county institutions (County jails in 1st, 2nd and 3rd class* city)
Type IV	Small county institutions (County jails in 4th, 5th, 6th class city or smaller).
Type V	Large city institutions (City Jails in 1st, 2nd and 3rd class city).
Type VI	Small city institutions (City jails in 4th, 5th, and 6th class city or smaller)
Type VII	Juvenile institutions (state juvenile camps and centers)

"Licensed medical service personnel" shall mean any nurse (R.N., P.R.N.,L.P.N., nurse clinician) or physician assistant licensed in Kentucky.

*City class is defined in Kentucky Revised Statutes

Medical Standards

Section 2

(1) Intake Standards:

Inmates shall undergo a medical inspection within 24 hours after arrival. For Type I,II,III,VI facilities the medical inspection should be done by a licensed medical service personnel or physician. For Types IV, V, VI, the medical inspection may be done by the jailer during the booking process. Medical inspections for female inmates shall be done by the jail matron. The purpose of this inspection is to identify those illnesses and/or disabilities which could medically endanger the inmate or other members of the facility.

(2) Initial Medical Inspection

Each new inmate will undergo a medical inspection to identify any potential health hazards to himself, other inmates, the facility staff, and the surrounding community.

Procedures:

(a) The inspection will be accomplished before the new inmate has any significant contact with inmates or other confinement facility personnel and not later than 24 hours after arrival at the confinement facility.

(b) The screening techniques must be reviewed and approved by the Department.

(c) A dated entry of the inspection, signed by the examiner, will be recorded as part of the medical record in Types I,II,III,VII institutions and as part of the general log and a medical inspection card in Types IV,V,and VI, The medical inspection card will be reviewed at least weekly by a physician, licensed medical service personnel or representative of the Department.

(d) In the case of a positive inspection as defined below, the examiner will proceed as follows:

(1) The inmate will be isolated at the facility or the examiner may initiate a disposition based upon appropriate standing orders issued by the facility physician, and/or

(2) The physician serving the confinement facility is to be notified as soon as possible and he will make an appropriate definitive disposition.

(3) In places without a facility physician, a plan shall be submitted to and approved by the Department.

(3) Content and Criteria of Medical Inspection

The presence of one or more of the following historical findings or symptoms is defined as a positive inspection:

Minimum Medical Inspection Card Contents

(a) Hospitalization within the past 3 months
(b) Any disease or injury that requires:
    medication (list disease or injury, e.g., fits or diabetes)
    limitation of physical activity
    bandage to stop bleeding
    periodic medical supervision and/or therapy
(c) History of drug reactions
(d) History of allergic reactions
(e) History of psychiatric problems or abnormal behavior
(f) Vomiting
(g) Diarrhea
(h) Coughing of blood or chronic cough
(i) Unconsciousness
(j) History of blackouts
(k) Under influence of drugs or alcohol
(l) Temperature-oral over 101 degrees F
(m) Pulse-over 120 beats/minute
(n) Skin
    (1) rashes
    (2) needle marks
    (3) lice and nits (head, body and pubis)
    (4) fleas
    (5) mites
    (6) Infections or abscess

(o) Eyes
  (1) yellow
  (2) conjunctival inflammation
(p) Ears-gross purulent discharge
(q) Sore throat
(r) Any physical condition or defect so severe as to preclude meaningful participation in the confinement facility program
(s) Stiff neck

(4) Screening Tests

At least once a week a TB skin test, blood pressure and VDRL shall be made available to every inmate needing them in the confinement facility.

(5) Delousing

Every inmate shall be deloused on admission if indicated.

(6) History and Physical Examinations

Inmates to be confined for 14 days or longer shall have a complete history and physical examination.

All new prisoners confined for 14 days or more shall undergo a complete history, physical examination and laboratory tests under the supervision of a physician in Types I,II, VII institutions and by a nurse or medical service personnel in Types III,IV,and V. A physician (if not the examiner) shall personally review the laboratory, history and physical findings at least weekly. History taking and the physical examination shall be conducted in a manner that does not violate principles of medical confidentiality. Requirements for the laboratory and physical are:

(a) Types I,II,III,VII
Exam: A history and physical and psychological evaluation
Tests: Chest x-ray (if indicated), urinalysis, hematocrit, TB skin test, VDRL, Pap test for females, urine tests for narcotics (if indicated)

(b) Types IV,V
Exam: Abbreviated history and physical
Tests: Urinalysis, TB skin test, VDRL, hematocrit

(c) Type VI
Exam: abbreviated history and physical
Tests: Urinalysis, TB skin test, VDRL, hematocrit

(7) Medical Requests for Inmates

Medical judgements are the sole prerogative of the medical staff. Confinement personnel shall at any time of the day or night immediately relay all prisoner requests for medical attention to the physician or licensed medical service personnel on call for Types I,II,III, and VII institutions. It will be the responsibility of the physician or licensed medical services personnel under the overall supervision of the physician, to determine the appropriate medical response to such requests. Each such request shall be entered into the individual patient medical record or on the medical inspection card a notation made as to disposition. For Types IV,V,VI requests shall be handled and recorded by the Jailer and the disposition periodically reviewed by Department representatives.

(8) Malingering and Abuses

Consistent abuse or misuse of medical resources by individual prisoners shall be brought to the attention of the Department representative.

(9) Sick Call

Sick call shall be held daily at Type I,II,III and VII institutions and supervised by a physician. A nurse or licensed medical service personnel may actually deliver the services with the physician back-up. At Type IV,V,and VI institutions sick call shall be conducted on an as needed basis by licensed medical service personnel as long as the requirements of the other items in these guidelines are met.

A list of all inmates requesting to be seen at sick call with the reason for their request shall be given to the person conducting the sick call prior to starting. The physician (or licensed medical service personnel) will determine the priority in which the inmates are to be seen.

If possible sick call should be scheduled during a recreation time to cut down on abuses.

All inmates in a classification status that allows attendance at sick call shall have the opportunity to attend sick call. Attendance or non-attendance is solely the decision of the prisoner. The physician or licensed medical service personnel on duty shall see, but need not treat or examine, those attendees who in his judgment he feels do not require treatment or examination. However, a note shall always be entered into the individual medical record or medical inspection card as to disposition and whether or not examination or treatment is undertaken.

(10) Medications

Administering and Storing Legally Obtained Drugs: Every facility administrator, in cooperation with the facility physician or the county medical officer, shall develop plans, establish procedures, and provide space and accessories for the secure storage and the controlled administration of all legally obtained drugs. Such plans, procedures, space and accessories shall include, but not be limited to, the following.

(a) Securely lockable cabinets, closets, and refrigeration units.

(b) Means for the positive identification of the recipient of the prescribed medication, such as a hospital type plastic identification wrist band or photograph.

(c) Procedures for administering legally obtained drugs only in the dose prescribed and at the time prescribed.

(d) Procedures for confirming the fact that the recipient has ingested the medication.

(e) Procedures for the administration of controlled substances and dangerous drugs in liquid or powdered form wherever possible.

(f) A procedure for recording the fact that the prescribed dose has been administered and by whom.

(g) A procedure which prohibits the administration of drugs by inmates.

Certain standing orders shall be developed for the dispensing of certain drugs without a physician's direct order (e.g.,Kaopectate, Maalox, anti-histamines, cold tablets, aspirin, laxatives). Individual records shall be kept on all drugs dispensed.

(11) Quality of Care

Within the framework of assessment of need and accessibility to services defined above, necessary medical care shall be provided the prisoners of a quality comparable to that generally recognized as good and acceptable in the civilian medical community.

Section 3. Mental Health Standards

(a) Psychological testing shall be done on all inmates incarcerated over 14 days in all type institutions. This should be supervised by a representative of the Department or Comprehensive Care Center.

(b) Comprehensive Care Center personnel shall review the medical inspection cards and medical records in Type III,IV,V and VI institutions.

(c) Written procedures for detecting and dealing with mental health problems shall be on file in all penal institutions.

(d) Comprehensive Care Centers shall be notified of all persons with alcohol and drug problems that are incarcerated in Type III,IV,V,VI institutions.

(e) Minimum social services shall be provided in all type institutions, (either directly or by outside community agencies).

The minimum services shall include:

counselling
social worker
recreation program
exercise program

(f) School or training programs for inmates shall be provided in all Type I,II,III,IV and VII institutions.

Section 4. Nutrition Standards

(1) All prisoners in all types of institutions shall have meals which meet the following standards and provide the recommended dietary allowances:

(a) Calories:
Adult males (23-50) Calories 2400 to 2800 containing at least 56 grams of protein.

males (15-22) calories 2800 to 3200 containing at least 54 grams of protein

adult females (23-50) 1800 to 2200 and no less than 46 grams of protein females (15-22) Calories 2000 to 2100 and no less than 46 grams of protein.

(b) At least two thirds of the protein provided shall be animal protein (e.g., eggs, milk, fish, meat).

(c) No less than two quarts of drinking water/day shall be made available. This is in addition to any water contained in nutrients. At least one other beverage, other than water, shall be available with each meal.

(d) potatoes and other vegetables-two or more servings every day.

(e) every other day one of the two vegetables shall be a green leafy or yellow vegetable of high vitamin A value.

(f) at least one serving of fruit, occasionally fresh (once a week) when in season, to be offered each day.

(g) a good source of vitamin C from the fruit and vegetable group shall be served each day.

(h) only fresh and unblemished fruits and vegetables of good quality shall be purchased and served. Bread shall not be served stale.

(i) all food items shall be served in an attractive palatable manner and servings shall be kept in separate portions.

(2) Standard diets, weekly menus (to include portion sizes, all meals and snacks served and serving time) and food purchasing and serving practices shall be posted and reviewed no less than monthly by a representative from the Department. The representative shall ascertain that adequate nutritional practices and minimum requirements as to calories and protein are being met.

(3) Special medical diets shall be available within the confinement facility on a physician's order. Such orders shall be reviewed and renewed no less than every three months. The service and preparation of such diets shall be reviewed by the department for their accuracy and any necessary recommendations made.

(4) No adulterants, chemicals or drugs shall be added to either food or drink, unless such additive is a usual or customary part of normal commercial culinary practice and fully complies with applicable federal and state law and regulation regarding foods and food related practices and additives.

E4
ENVIRONMENTAL STANDARDS
IN
KENTUCKY CONFINEMENT FACILITIES

BY

BUREAU FOR HEALTH SERVICES

THE DEPARTMENT FOR HUMAN RESOURCES

SECTION E4

ENVIRONMENTAL STANDARDS
IN KENTUCKY CONFINEMENT FACILITIES

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services

Relates to KRS 211.920 to 211.945
Pursuant to KRS 13.082, 194.050, 211.090(1)(c) and 211.925

Necessity and Function: KRS 211.920 to 211.945 authorizes the Department for Human Resources to adopt rules, regulations, and standards relating to the public health or health aspects of the operation of state and local confinement facilities. This regulation establishes environmental standards to control the environmental aspect of the health of persons confined in state and local confinement facilities.

A new regulation of the Department for Human Resources is created to read as follows:

Section 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this regulation.

(1) "Cell" means a facility used to confine one inmate.

(2) "Confinement Officer" means any individual in charge of confining persons to confinement facilities.

(3) "Day-room" means a room used to confine a group of inmates during the day.

(4) "Department" means the Department for Human Resources and its duly designated representatives.

(5) "Dormitory" means a facility used to confine two or more inmates.

(6) "Inmate" means any person confined to a confinement facility.

Section 2. Sanitary Facilities and Controls.

(1) The water supply shall be adequate, of a safe, sanitary quality and from an approved public supply or, in the absence thereof, from an approved water supply system which is constructed, protected, operated and maintained in conformance

with applicable state laws and regulations. Approved drinking fountains or single service drinking cups shall be provided for use by inmates.

(2) All sewage shall be disposed of in a public sewerage system or, in the absence thereof, in an approved sewage disposal system which is constructed and operated in conformance with applicable state laws and regulations.

(3) All plumbing shall comply with the State Plumbing Code.

(4) All garbage and rubbish shall, prior to disposal, be kept in leakproof, nonabsorbant containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use. Adequate cleaning facilities shall be provided and each container shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance and in compliance with applicable state laws and regulations.

(5) Each cell shall be provided with a prison-type commode. Day-rooms and dormitories shall be provided with one commode for every 8 inmates or fraction thereof and urinals may be substituted for one-half the commodes in facilities used to house male inmates. All commodes shall be kept clean and in good repair and when in use shall be cleaned thoroughly each day. An adequate supply of toilet tissue shall be provided at each commode.

(6) Each cell shall be provided with a prison-type lavatory. Day-rooms and dormitories shall be provided with one lavatory for every 8 inmates or fraction thereof. All lavatories shall be kept clean and in good repair and when in use shall be cleaned thoroughly each day. Each lavatory shall be equipped with hot and cold or tempered running water, hand-cleansing soap and approved sanitary towels or other approved hand-drying devices.

(7) Showers shall be provided and conveniently located for inmates use on a ratio of one shower for each 15 inmates or fraction thereof. All showers shall be kept clean and in good repair and when in use shall be cleaned thoroughly each day. Each inmate shall be permitted to take one shower per day. An adequate supply of soap and individual towels shall be available for showers. Each shower shall be equipped with hot and cold or tempered running water.

Section 3. Facilities and Equipment.

(1) Each cell shall not have less than 3 square feet of floor space and ceiling shall not be less than 8 feet high.

(2) Each cell shall contain:

(a) A prison-type shelf, approximately 8 inches by 18 inches securely anchored to the wall.

(b) A rigidly constructed perforated, steel-bottomed metal bed firmly anchored to the floor or wall.

(c) An approved type table and seat securely fastened to floor or wall.

(d) Three prison-type, non-removable hooks for towels and clothing.

(e) An approved non-breakable mirror.

(3) When dormitories are used the following requirements shall be met:

(a) The capacity shall not be more than 15 inmates per room.

(b) Fifty square feet of floor space per inmate shall be provided.

(c) Ceilings shall not be less than 8 feet high.

d) Each inmate shall have a minimum of 400 cubic feet of air space.

(e) An adequate bed for each inmate shall be provided.

(f) Two feet of approved table space and an approved seat shall be provided for each inmate.

(g) An approved non-breakable mirror shall be provided for each lavatory required.

(h) Three prison-type, non-removable hooks for towels and clothing shall be provided for each inmate.

(4) A detoxification unit shall be provided in all confinement facilities which are used to confine persons who may be intoxicated. This unit shall be equipped with concrete bunks at least 24 inches wide and not over 8 inches in height. The size of the detoxification unit shall be determined by the maximum number of intoxicated persons expected to be received within a 12 hour period. A prison type commode, a drinking fountain, a flush action floor drain and a lavatory with a drain large enough to accomodate the refuse frequently associated with detoxification units shall be provided.

(5) All floors, walls, ceilings, and equipment shall be constructed of easily cleanable material, kept in good repair and clean.

(6) Separate confinement facilities shall be provided for adult male, adult female, male juvenile, and female juvenile inmates. Such segregation shall include physical separation and absence from visual and audible contact between the different types of inmates. Separate confinement facilities shall be provided for separation of intoxicated or mentally ill inmates from other inmates.

(7) A medical examining room shall be provided which is physically separated from the housing area of inmates.

Section 4. Lighting. Each cell, day-room, and dormitory room shall be provided with natural and artifical light sufficient to permit reading. Lighting in other areas of the institution shall be adequate to permit observation, proper cleaning and maintenance. All light fixtures shall be kept in good repair and clean.

Section 5. Heating and Cooling. Adequate heating equipment shall be provided. A temperature of 68° Fahrenheit shall be maintained during the day and not less than 65° Fahrenheit shall be maintained at night in the cells, day-rooms, and dormitory rooms. Any automatic standard heating system is acceptable, providing no heating equipment, such as radiators are located in the cells, day-rooms, or dormitory rooms. If radiators are necessary, they shall be located in the inspection corridor and adequately shielded to prevent accidental injury. In no cases shall the heating system constitute a fire hazard or jeopardize the lives of those confined or employed. An adequate cooling system capable of maintaining a temperature of 85° Fahrenheit or less shall be provided.

Section 6. Ventilation. Natural or mechanical ventilation shall be sufficient to admit fresh air and remove disagreeable odors. Where mechanical ventilation is not provided, the window areas shall be equal to at least one-eighth of the floor space of the area served by the window and one-half of the window shall open.

Section 7. Safety. All reasonable and realistic safety standards shall be practiced. A written emergency plan shall be adopted relative to escapes, riots, assaults, fires, rebellions, and any other type of major disaster or disturbance. The plan shall outline the responsibilities of the confinement facility personnel, action to be taken with or for inmates and evacuation plans, predicated upon the type of disaster or disturbance. Based on the size of the facility, an adequate number of fire extinguishers shall be provided and shall be examined periodically in accordance with the State Fire Marshall's regulations. First aid supplies for injuries and medical emergencies shall be provided and at least one member of the institution personnel on each shift shall have knowledge of the utilization of these supplies. All confinement facilities shall comply with applicable requirements of the State Fire Marshall's office and the Department of Labor relating to safety.

Section 8. Vermin Control. Effective measures shall be taken to protect against the entrance into the confinement facility and the breeding or presence on the premises of rodents, insects and other vermin. All openings to the outer air shall be effectively protected against the entrance of flying insects by self-closing doors, closed windows, screening, controlled air currents or other effective means. Screening material shall be not less than 16-mesh to the inch or equivalent. Screen doors to the outer air shall be self-closing. All openings to the outside shall be effectively protected against the entrance of rodents. Use of insecticides and rodenticides shall be in accordance with applicable state laws and regulations.

Section 9 Bedding-Each inmate detained overnight shall be provided with clean bedding unless, in the opinion of the confinement officer, to provide bedding would present a hazard to the inmate. Such bedding shall include an approved flame-retardant, water-repellant, prison-type mattress and pillow, a pillowcase, a blanket, and sheets, or an approved mattress cover. Mattresses and pillows shall be kept clean and be cleaned before being issued to another inmate. Blankets and mattress covers shall be kept clean. Sheets, pillowcases, and mattress covers, if used without sheets, shall be changed and laundered at least weekly and before being issued to another inmate. Laundry methods must be approved by the Department.

Section 10. Supplies for Inmates. Clean individual towels shall be issued each inmate being detained for 12 hours or more and at least twice per week thereafter. Each inmate detained for 48 hours or more shall be provided toothpaste or powder and a toothbrush. Shaving and barber tools shall be supplied to inmates when needed and shall be thoroughly cleaned before being issued to each inmate. If an inmate does not have adequate clothing of his/her own he/she shall be provided suitable clothing. Washable clothing shall be laundered at least once per week by a method approved by the Department. Ashtrays shall be provided to inmates who smoke.

Section 11. Housekeeping. All parts of the confinement facility and its premises shall be kept neat, clean and free of litter and rubbish.

Section 12. Personnel. No person while affected with any disease in a communicable form or while a carrier of such disease shall work in any area of a confinement facility in any capacity in which there is a likelihood of transmitting the disease to inmates or other employees, and no person known or suspected of being affected with any such disease or condition shall be employed. If the person in charge of the institution has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Department immediately.

Section 13. Laundry Facilities. All items requiring laundering shall be laundered in approved laundry facilities at the confinement facility or be laundered by an approved commercial laundry.

Section 14. Exercise, Visitation, and Multi-purpose Areas. Adequate space shall be provided to allow all inmates an opportunity to obtain adequate exercise. Adequate individual visitation space shall be provided. Multipurpose areas for educational and other multi-purpose use shall be provided in confinement facilities housing 25 or more inmates.

Section 15. Food Service. If food for inmates is prepared by the confinement facility all facets of the food service operation shall comply with the food service provisions of the Kentucky Hotel and Food Service Establishment Act of 1972 and the State Food Service Code. If food for inmates is not prepared by the confinement facility food must be obtained from an approved commerical food service establishment.

Section 16. Food Manufacturing. Confinement facilities operating food manufacturing or processing establishments shall conduct all related operations in accordance with applicable state laws and regulations.

Section 17. Existing Confinement Facilities. Existing Confinement facilities operating on the effective date of this regulation which do not fully meet the design and construction requirements, unless otherwise required by law, shall be allowed to continue to operate so long as the facilities are capable of being maintained in compliance with the other requirements of this regulation in a safe and sanitary manner and with no public health hazard existing.

Section 18. Plan Review of Future Construction. When a confinement facility is hereafter constructed or extensively remodeled, properly prepared plans and specifications for such construction, remodeling, or alternation, showing layout, arrangements, the location, construction material, and size and type of fixed equipment and facilities, and a plumbing riser diagram shall be submitted to the Department and the Bureau of Corrections for approval before such work is begun.

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THE DEPUTY JAILER SUBSIDY PROGRAM

DIRECTIVE NO. 58

BUREAU OF CORRECTIONS

February 25, 1975

ADMINISTRATIVE REGULATIONS **COMMONWEALTH OF KENTUCKY** **DEPARTMENT OF JUSTICE** **BUREAU OF CORRECTIONS**	DIRECTIVE NUMBER 58	PAGE NUMBER 1 of 7
	SUBJECT: DEPUTY JAILER SUBSIDY PROGRAM	

I. PURPOSE

The purpose of this regulation is to set forth the administrative procedures of the Deputy Jailer Subsidy Program in the Commonwealth of Kentucky.

II. GOAL

The goal of this program is to aid jailers in raising the security and health standards of their facilities. Additional manpower should also improve other areas of jail operations including safety, environmental aspects, training, recreational and food services.

III. FUNDING

Funding for this program will be expended to support deputy jailers in approximately 28 local jails all meeting the minimum jail standards established by the Office of Jail Consultants, Division of Community Services.

The local governmental unit is responsible for all tax withholding, retirement, and fringe benefits deducted from the deputy's gross salary. A minimum net salary of $333 must be paid to the deputy. The funds will be reimbursed to the local governmental unit on a monthly basis. Forty hours a week shall be considered full-time employment. The salaries for deputies working less than 40 hours a week shall be prorated on salary per hour basis.

Municipalities or counties containing municipalities of the first or second class are at present exempt from this program. Any other local unit wishing to participate may make application in accordance with the following procedures.

IV. ADMINISTRATIVE PROCEDURES

A. Administration of the program will be under the direction of the Project Administrator of the Office of Jail Consultants.

B. Initial application to participate in the program will begin with the local governmental authorizing official (County Judge or the Chief Municipal Administrator).

C. Forms for (1) program application, (2) non-supplanting of funds, (3) notice of contractual agreement, and the

(4) deputy employment application are available to local government from the Regional Jail Consultant or the Bureau of Corrections' Office of Jail Consultants in Frankfort.

D. The Regional Jail Consultant will perform an updated audit on the local jail and list any standards deficiencies on the application. The local governmental authorizing official is then knowledgeable of these deficiencies, and if accepted into the program, agrees to correct them.

E. All completed applications and forms will be submitted to the respective Regional Jail Consultant for initial certification, and then forwarded to the Bureau of Corrections in Frankfort, Kentucky for processing. The local governmental unit will be informed of this acceptance upon receiving the returned form, bearing his signature, and entitled "Notice of Contractual Agreement,"

F. After initial acceptance in the Deputy Jailer Program, the local Jail Consultant will inspect each participating facility each 30 days to ensure that the jail continues to be in compliance with the minimum standards.

G. If a jail does not initially meet the established minimum standards, 30 days will be allowed to initiate corrective action and an additional 60 days to complete that action. If the jail is not in compliance at the expiration of the 90 day period, the application will be nullified and a new application must be made if participation in the program is still desired.

H. Should a jail which is participating be found to have fallen into noncompliance, the locality will have 30 days in which to complete corrective action. An additional 30 days grace period may be granted in special circumstances, e.g., unavailability of parts or materials. If at the end of the maximum 60 days compliance is not affected, further funding will be withdrawn.

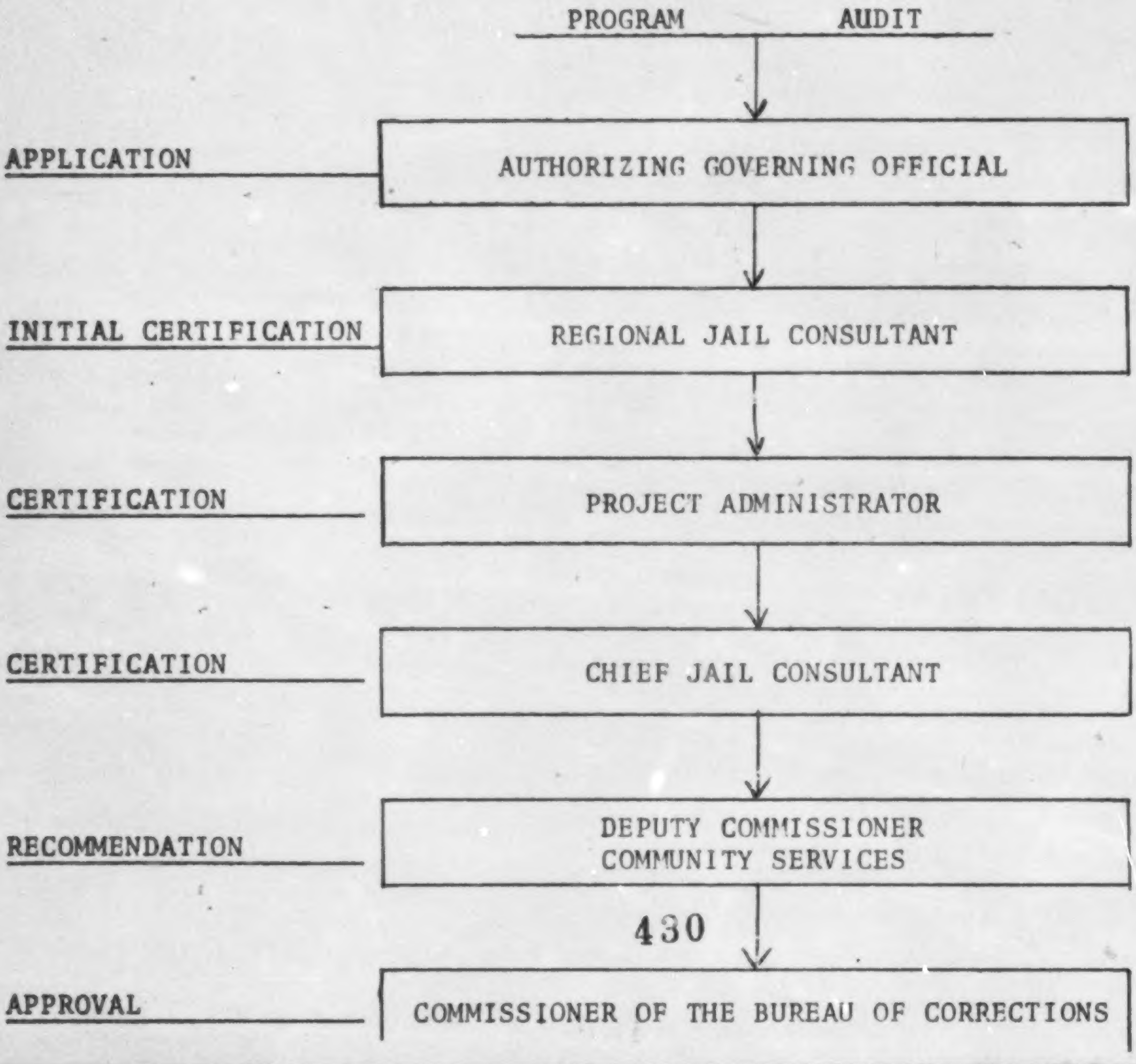
V. NON-SUPPLANTING OF FUNDS

All recipients of this grant shall abide by the non-supplanting stipulation set forth in the form entitled "Non-Supplanting of Funds", which will be made available to them.

VI. QUALIFICATIONS OF DEPUTY JAILER

The applicant must have the ability to follow and forward written and oral instructions. He must have the physical ability to perform deputy duties as required and to attend 40 hours of training as made available to him. The applicant should be willing to learn correctional methods as established in the existing program's security, safety, and health standards. At all times the applicant should portray good judgement, courage, and alertness.

ADMINISTRATIVE FLOW-CHART FOR ALL APPLICATIONS & PROGRAM FORMS


PROGRAM
AUDIT
APPLICATION
AUTHORIZING GOVERNING OFFICIAL
INITIAL CERTIFICATION
REGIONAL JAIL CONSULTANT
CERTIFICATION
PROJECT ADMINISTRATOR
CERTIFICATION
CHIEF JAIL CONSULTANT
RECOMMENDATION
DEPUTY COMMISSIONER COMMUNITY SERVICES
APPROVAL
COMMISSIONER OF THE BUREAU OF CORRECTIONS

JAIL STANDARDS

The following minimum conditions must be met by a county jail in order to qualify for the deputy jailer program.

I. SECURITY STANDARDS

A. All people being lodged in the county jail must have a written charge placed against them at the time of incarceration. The Commitment Form*, which must be signed by the arresting officer, shall be on file in the jailer's office.

B. Prisoners shall be searched upon admission, release to and return from court, and upon leaving and returning to the security enclosure of the jail.

C. All inmates shall be provided with a receipt for property left in the jailer's possession.

D. The jailer shall segregate male, female, juvenile, insane, diseased and dangerous prisoners with the fullest extent.

E. The jailer or deputy jailer shall make a prisoner head count four times in each 24-hour period.

F. Locks shall be installed on security doors acceptable to both the Kentucky Jail Consultant and the County Jailer.

G. All security devices shall be utilized at all times by the jailer or deputy on duty.

H. Security screen shall be installed on all first floor windows and doors as approved by the Kentucky Jail Consultant.

I. An emergency alarm system will be installed connecting the jail with local law enforcement officials.

J. No one shall carry firearms into any part of the jail occupied by prisoners.

K. Phone jacks shall be made readily accessible to the security area and all calls placed by prisoners shall be made there.

*A sample arrest form, indicating the minimum information which the arrest form should provide, is available upon request from the Jail Consultant.

L. No inmate will be assigned responsibility for overseeing other inmates.

II. SAFETY STANDARDS

A. The entire jail area shall be thoroughly and daily cleaned. Materials shall be provided by the jailer. If inmates do the cleaning, they must be under the supervision of the jailer or deputy jailer.

B. Only flame retardant mattresses or mattress covers approved by Federal Law shall be used for prisoners.

C. The jailer shall invite the Regional Fire Marshal to inspect and rate his jail twice every three months.

D. Rules and Regulations governing the conduct of prisoners and visitors shall be posted, or made available, so they will be appropriately visible to all prisoners and visitors to a jail facility.

E. Attorneys, Probation & Parole Officers, Health Officers, Medical Personnel and Clergymen must be provided private areas for consultation with inmates, all other visitations must be conducted through a security screen.

F. No inmate will handle any keys related to the jail's security.

G. The jailer shall keep written records of all disciplinary action taken against inmates.

H. Jail personnel shall not have personal financial dealings with prisoners.

III. HEALTH STANDARDS

A. Each jail must submit the names or name of the physician on call for that jail's medical problems.

B. Any inmate confined more than 24 hours should have a brief medical record made out on him (medical history only). Any positive findings should be noted by a physician.

C. Any inmate confined to the county jail for over 30 days or more shall be given a full physical examination by a qualified professional under the supervision of a physician.

D. Space shall be provided where a physician may conduct sick calls, examine prisoners in privacy, and render routine medical treatment. Space for secure storage of medical supplies should be provided.

E. No prescribed medicine will be administered to any inmate without the approval of a medical doctor.

F. All medication shall be administered by the jailer or a licensed nurse or medical doctor.

G. All inmates shall have clean beds, mattresses, and blankets.

H. Each inmate shall have shower privileges at a minimum of three times a week.

I. Each inmate shall be allowed to shave a minimum of three times a week.

J. Each inmate shall be issued clean clothing a minimum of once a week.

K. All security areas shall have commodes and wash basins with hot and cold running water.

L. Each jail shall have a minimum of one maximum security cell with commode and wash basin.

IV. JAILERS, DEPUTY JAILERS AND TRAINING

The Kentucky State Bureau of Training, in cooperation with the Federal Bureau of Prisons, will provide the training to all jailers and deputy jailers.

A. Experienced jailers and deputy jailers shall take 40 hours of annual in-service training.

B. New jailers and deputy jailers shall take 40 hours of in-service training.

C. All new deputy jailers appointed during the present jailer's term of office will be legally sworn into his duties by a qualified official.

D. The jail shall be under the supervision of the jailer or deputy jailer at all times.

E. All jail personnel shall distinguish his position by wearing some type of identification.

F. The jailer shall be aware of court proceedings and/or other legal proceedings regarding all inmates and will inform the inmates of those proceedings.

V. FOOD

The average jail should be provided with a kitchen and equipment adequate to serve its maximum population, and food storage space sufficient to permit economical purchase of food supplies.

A. Three meals a day shall be provided with proper nutritional value, careful attention shall be given to variety, appetite appeal, and attractive service. Records of menus must be kept on a monthly basis. A choice of drink must be offered at each meal.

B. When cell feeding is necessary, a table and seat shall be provided. Food shall be served promptly after it is prepared; hot food hot and cold food cold.

SECTION F

CLASSIFICATION OF CITIES

Classification of cities is provided for and specified in KRS 81.010. The information was compiled from the current State Directory of Kentucky, January, 1975.

City	County	Zip Code
FIRST CLASS		
Louisville	Jefferson	40202
SECOND CLASS		
Ashland	Boyd	41101
Bowling Green	Warren	42101
Covington	Kenton	41011
Frankfort	Franklin	40601
Lexington	Fayette	40507
Newport	Campbell	41071
Owensboro	Daviess	42301
Paducah	McCracken	42001
THIRD CLASS		
Campbellsville	Taylor	42718
Corbin	Whitley	40701
Danville	Boyle	40422
Erlanger	Kenton	41018
Florence	Boone	41042
Glasgow	Barren	42141
Hazard	Perry	41701
Henderson	Henderson	42420
Hopkinsville	Christian	42240
Mayfield	Graves	42066

City	County	Zip Code
Maysville	Mason	41056
Middlesboro	Bell	40965
Murray	Calloway	42071
Richmond	Madison	40475
Somerset	Pulaski	42501
Winchester	Clark	40391
FOURTH CLASS		
Augusta	Bracken	41002
Barbourville	Knox	40906
Bellevue	Campbell	41073
Benton	Marshall	42025
Berea	Madison	40403
Calvert City	Marshall	42049
Carlisle	Nicholas	40311
Carrollton	Carroll	41008
Catlettsburg	Boyd	41129
Central City	Muhlenberg	42330
Cumberland	Harlan	40823
Cynthiana	Harrison	41031
Dawson Springs	Hopkins	42408
Dayton	Campbell	41074
Earlington	Hopkins	42410
Edgewood	Kenton	
Elizabethtown	Hardin	42701
Elkhorn City	Pike	41522
Elkton	Todd	42220

City	County	Zip Code
Elsmere	Kenton	
Eminence	Henry	40019
Falmouth	Pendleton	41040
Flatwoods	Greenup	41139
Flemingsburg	Fleming	41041
Fort Mitchell	Kenton	41017
Fort Thomas	Campbell	41075
Fort Wright	Kenton	r1011
Franklin	Simpson	42134
Fulton	Fulton	42041
Georgetown	Scott	40324
Grayson	Carter	41143
Greenville	Muhlenberg	42345
Harlan	Harlan	40831
Harrodsburg	Mercer	40330
Hickman	Fulton	42050
Hodgenville	Larue	42748
Irvine	Estill	40336
Jackson	Breathitt	41339
Jeffersontown	Jefferson	40299
Jenkins	Letcher	41537
LaGrange	Oldham	40031
Lawrenceburg	Anderson	40342
Lebanon	Marion	40033
London	Laurel	40741
Ludlow	Kenton	41016

City	County	Zip Code
Madisonville	Hopkins	42431
Manchester	Clay	40962
Marion	Crittenden	42064
Martin	Floyd	41649
Morehead	Rowan	40351
Morganfield	Union	42437
Mt. Sterling	Montgomery	40353
Nicholasville	Jessamine	40356
Olive Hill	Carter	41164
Owingsville	Bath	40360
Paintsville	Johnson	41240
Paris	Bourbon	40361
Park Hills	Kenton	
Pikeville	Pike	41501
Pineville	Bell	40977
Prestonsburg	Floyd	41653
Princeton	Caldwell	42445
Providence	Webster	42450
Radcliff	Hardin	40160
Russell	Greenup	41169
Russellville	Logan	42276
St. Matthews	Jefferson	40207
Salyersville	Magoffin	41465
Scottsville	Allen	42164
Shelbyville	Shelby	40065
Shepherdsville	Bullitt	40165

City	County	Zip Code
Shively	Jefferson	40216
Southgate	Campbell	41071
Springfield	Washington	40069
Stanton	Powell	40380
Sturgis	Union	42459
Vanceburg	Lewis	41179
Versailles	Woodford	40383
Vine Grove	Hardin	40175
Williamsburg	Whitley	40769
Wilmore	Jessamine	40390
FIFTH CLASS		
Adairville	Logan	
Albany	Clinton	42602
Alexandria	Campbell	41011
Anchorage	Jefferson	40223
Auburn	Logan	42206
Bardstown	Nelson	40004
Bardwell	Carlisle	42023
Beattyville	Lee	41311
Beaver Dam	Ohio	42320
Beechwood Village	Jefferson	40207
Benham	Harlan	40807
Brandenburg	Meade	40108
Brooksville	Bracken	41004
Burgin	Mercer	40310
Burkesville	Cumberland	42717
Burnside	Pulaski	42519

City	County	Zip Code
Butler	Pendleton	41006
Cadiz	Trigg	42211
Calhoun	McLean	42327
Cave City	Barren	42127
Clay	Webster	42404
Clay City	Powell	40312
Clinton	Hickman	42031
Cloverport	Breckinridge	40111
Cold Spring	Campbell	41076
Columbia	Adair	42728
Columbus	Hickman	42032
Corydon	Henderson	42406
Crescent Springs	Kenton	
Crestview Hills	Kenton	
Drakesboro	Muhlenburg	42337
Dry Ridge	Grant	41035
Eddyville	Lyon	42038
Edmonton	Metcalfe	42129
Evarts	Harlan	40828
Grand Rivers	Livingston	42045
Greensburg	Green	42743
Greenup	Greenup	41144
Guthrie	Todd	42234
Hardin	Marshall	42048
Hardinsburg	Breckinridge	40143
Hartford	Ohio	42347

City	County	Zip Code
Hawesville	Hancock	42348
Highland Heights	Campbell	
Hindman	Knott	41822
Horse Cave	Hart	42749
Hustonville	Lincoln	40437
Irvington	Breckinridge	40146
Jamestown	Russell	42629
Junction City	Boyle	40440
Kuttawa	Lyon	42055
LaCenter	Ballard	42056
Lakeside Park	Kenton	
Lancaster	Garrard	40444
Lebanon Junction	Bullitt	40150
Leitchfield	Grayson	42754
Lewisport	Hancock	42351
Liberty	Casey	42539
Livermore	McLean	42352
Louisa	Lawrence	41230
Loyall	Harlan	40854
Lynch	Harlan	40855
Lynview	Jefferson	
McKee	Jackson	40447
Midway	Woodford	40347
Millersburg	Bourbon	40348
Monticello	Wayne	42633
Morgantown	Butler	42261

City	County	Zip Code
Mortons Gap	Hopkins	42440
Mt. Olivet	Robertson	41064
Mt. Vernon	Rockcastle	40456
Mt. Washington	Bullitt	40047
Muldraugh	Meade	40155
Munfordville	Hart	42765
Neon	Letcher	41850
North Middletown	Bourbon	40357
Nortonville	Hopkins	42442
Owenton	Owen	40359
Perryville	Boyle	40468
Pewee Valley	Oldham	40056
Plantation	Jefferson	40222
Raceland	Greenup	41169
Ravenna	Estill	40472
Russell Springs	Russell	42642
St. Regis Park	Jefferson	
Sebree	Webster	42455
Silver Grove	Campbell	41085
Stanford	Lincoln	40484
Taylor Mill	Kenton	
Tompkinsville	Monroe	42167
Uniontown	Union	42461
Villa Hills	Kenton	
Walton	Boone	41094

City	County	Zip Code
Warsaw	Gallatin	41095
West Liberty	Morgan	41472
West Point	Hardin	40177
Whitesburg	Letcher	41858
Wickliffe	Ballard	42087
Wilder	Campbell	
Williamstown	Grant	41097
Windy Hills	Jefferson	
Woodlawn Park	Jefferson	
Worthington	Greenup	41183

SIXTH CLASS

All other incorporated cities.